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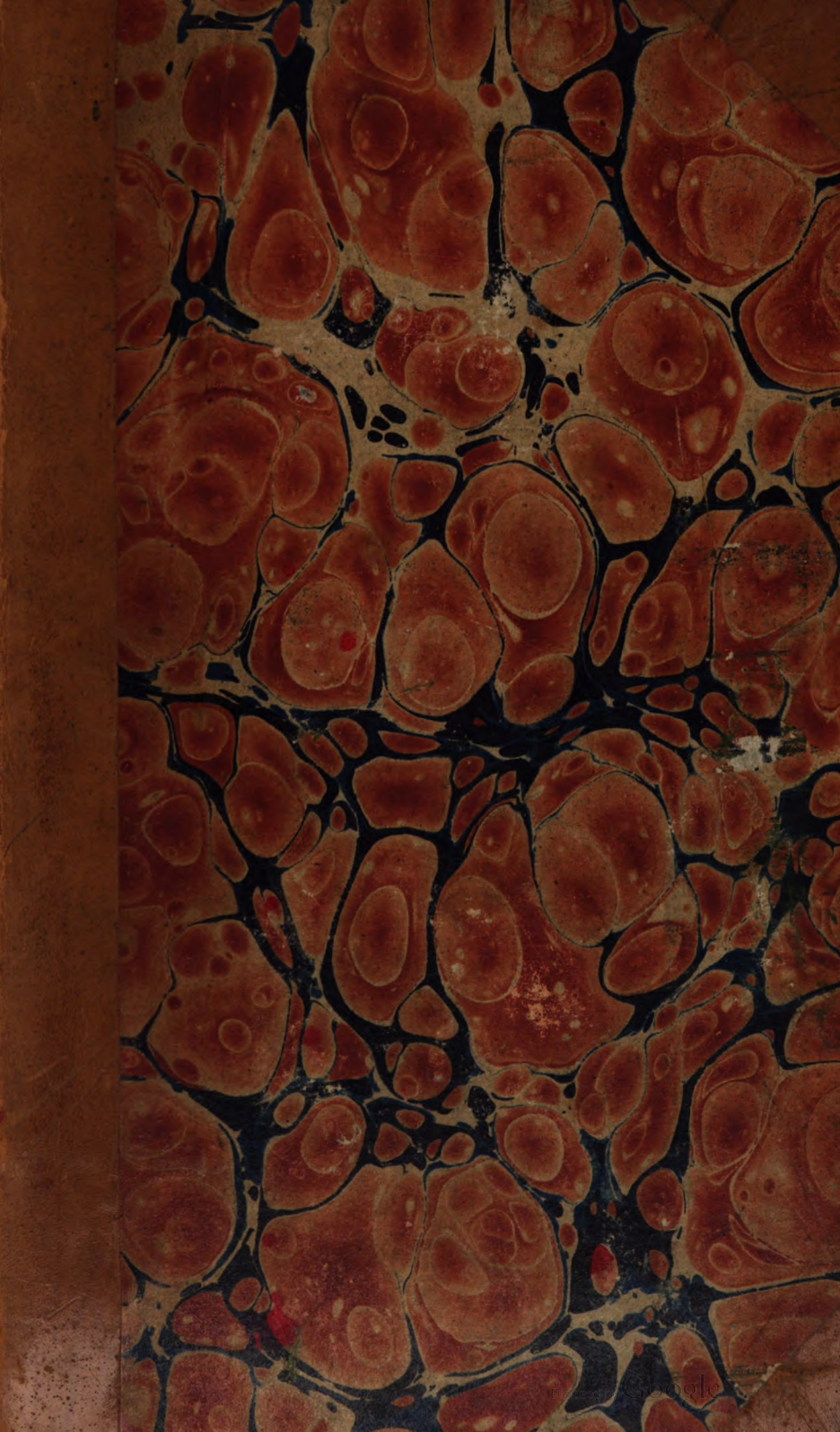
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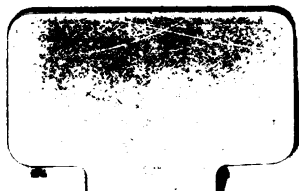
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Per 64

Per. 22871 e. $\frac{283}{26}$



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The Pamphleteer;

DEDICATED TO

BOTH HOUSES OF PARLIAMENT.

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INDICATIONS

RESPECTING

LORD ELDON,

INCLUDING

**HISTORY OF THE PENDING JUDGES' SALARY-
RAISING MEASURE.**

BY JEREMY BENTHAM, Esq.

BENCHER OF LINCOLN'S INN.

LONDON :—1825.

VOL. XXVI.

Pam.

NO. LI.

A

INDICATIONS,

&c.

§ I. *Facts suspected.*¹ *Subjects of inquiry for the House of Commons.*

RESPECTING Lord Eldon, certain suspicions have arisen. The object of these pages is—to cause inquiry to be made, if possible, by the competent authority, whether there be any ground, and if yes, what, for these suspicions.

In general terms they may be thus expressed :—

1. That, finding the practice of the Court of Chancery replete with fraud and extortion, Lord Eldon, on or soon after his coming into office as Chancellor, formed and began to execute a plan for the screwing it up; for his own benefit, to the highest possible pitch; to wit, by assuming and exercising a power of taxation, and for that purpose setting his own authority above that of Parliament; which plan he has all along steadily pursued; and, if not the present *Judges' Salary-raising Measure*, 69, anno 1822, a late Act, to wit the 3d Geo. IV. cap. 6, is the consummation of it.

2. That, it being necessary, that, for this purpose, the other Westminster Hall Chiefs should be let into a participation of such sinister profit—to wit, as well for the better assurance of their support, as because the power of appointing to those offices being virtually in his hands, ~~whatever~~ is profit to them is so to him—the means employed by him tended to that effect also, and have been followed by it.

In relation to the whole scheme, conception may, perhaps, receive help, from a glance, in this place, at the titles of the ensuing sections. Here they are:

§ 2. Under Lord Eldon, Equity, an instrument of fraud and extortion—samples of it.

¹Objection. Among these so styled *facts* are matters of *law*. Answer. The existence or supposed existence of a matter of law, is matter also of fact.

§ 3. Anno 1807. Order by Chancellor and Master of the Rolls, augmenting fees, of offices in the gift of one of them.

§ 4. Profit to subordinates was profit to principals: so in course to successors.

§ 5. Contrary to law was this order.

§ 6. By it, increase and sanction were given to extortion.

§ 7. So, to corruption.

§ 8. How Lord Eldon pronounced the exaction contrary to law, all the while continuing it.

§ 9. How the Chancellor had laid the ground for the more effectual corruption of himself and the other Chiefs (anno 1801).

§ 10. How the project was stopped by a Solicitor, till set a-going again, as per § 3.

§ 11. How the other Chiefs were corrupted accordingly.

§ 12. How the illegality got wind, and how Felix trembled.

§ 13. How the Chancellor went to Parliament, and got the corruption established.

§ 14. How the Head of the Law, seeing *swindling* at work, stepped in and took his profit out of it.

§ 15. How King George's Judges improved on the precedent set by King Charles's, in the case of *ship-money*.

§ 16. How to be consistent, and complete the application of the self-paying principle.

§ 17. How Lord Eldon planned and established, by Act of Parliament, a Joint Stock Company, composed of Westminster Hall Chiefs, and other dishonest men of all classes.

§ 18. How the King's Chancellor exercised a dispensing power.

§ 19. Character evidence.

§ II. Under Lord Eldon, *Equity, an instrument of fraud and extortion*. Samples:—

A single sample will serve to show in what state Lord Eldon found this branch of practice, and that it stood not in much need of improvement at his hands: by a few more which follow, a faint, yet for this purpose a sufficient idea, will be given of the improvement it has actually received under his care.

By the command of a father, I entered into the profession, and, in the year 1772 or thereabouts, was called to the bar. Not long after, having drawn a bill in equity, I had to defend it against exceptions before a Master in Chancery. "We shall have to attend on such a day," (said the Solicitor to me, naming a day a week or more distant,) "warrants for our attendance will be taken out for two intervening days, but it is not customary to attend

before the third." What I learnt afterwards was—that though no attendance more than *one* was ever bestowed, *three* were on every occasion regularly charged for; for each of the two falsely pretended attendances, the client being, by the Solicitor, charged with a fee for himself, as also with a fee of 6s. 8d. paid by him to the Master: the consequence was—that, for every actual attendance, the Master, instead of 6s. 8d., received 1l., and that, even if inclined, no Solicitor durst omit taking out the three warrants instead of one, for fear of the not-to-be-hazarded displeasure of that subordinate Judge and his superiors. True it is, the Solicitor is not under any *obligation* thus to charge his client for work not done. He is however sure of *indemnity* in doing so: it is accordingly done of course. Thus exquisitely cemented is the union of sinister interests.¹ So far as regards attendances of the functionaries here mentioned, thus is the expense tripled: so, for the sake of the profit on the expense, the delay likewise. And I have been assured by professional men now in practice, that on no occasion, for no purpose, is any Master's attendance ever obtained without taking out three warrants at the least.

So much for the state of the practice before Lord Eldon's first Chancellorship: now for the state of it under his Lordship's auspices.

Within the course of this current year, disclosures have been made in various pamphlets. One of the most instructive, is the one intitled "A Letter to Samuel Compton Cox, Esq. one of the Masters of the Court of Chancery, respecting the practice of that Court, with suggestions for its alteration. By a Barrister. London, 1824." Extracted from it are the following alleged samples: samples of the improvements made in the arts and sciences of fraud and extortion, by Masters in Chancery and others, under the Noble and Learned Lord's so assiduously fostering and protecting care.

I. *In regard to attendances on and by Masters, money exacted by them as above, when no such services are performed.*

P. 12. "The issuing of warrants is another subject which requires consideration. These are issued frequently on states of facts, abstracts of titles, charges and discharges, &c. *not according to the time consumed* in going through the business before the

¹ Of the result of the above-mentioned experience, intimation may be seen in the *Théorie des Peines et des Recompenses*, first published in French, anno 1811, or in B. 1, ch. 6, of the *Rationale of Reward*, just published, being the English of what regards *Reward* in French.

These things and others of the same complexion, in such immense abundance, determined me to quit the profession: and, as soon as I could obtain my father's permission, I did so: I found it more to my taste to endeavor, as I have been doing ever since, to put an end to them, than to profit by them.

Master, or his Clerk,¹ but according to the *length of the statement*. The Clerk takes it for granted, that the investigation of a state of facts of a given length may be *expected* to occupy a given number of hours. The Solicitor, therefore, in drawing such his bill of costs, *after the statement has been gone through*, leaves a blank for the number of warrants "to proceed on the state of facts." *The Master's Clerk fills up the blank*, by inserting such a number, as *might, if* there had been much contention between the different parties, have by *possibility* been issued. Thus, where *two or three* are all that, in fact, have been taken out, *ten or fifteen* are charged and allowed. The Solicitor produces those he has *actually received* in the course of the business, and the Clerk delivers to him so many *more* as are necessary to make up the requisite number."²

P. 12. "A similar process takes place with respect to the *Report*. If the charge for the warrants alone were all that was to be complained of, the mischief would not be so great. But *you are aware, Sir,*³ that an attendance on each of these warrants is charged for and allowed, and that frequently by several different Solicitors,⁴ so that the expense to the suitors is grievously increased."

II. *Of the sinister profit made by the Solicitor, the greater part has for its cause the rapacity of the Master, supported by the Chancellor.*

P. 9. "Copies of proceedings of all sorts, of states of facts, of affidavits, of reports, of every paper in short which is brought into the office, are multiplied without the least necessity; and, in many instances, are *charged for, though never made*. For instance, in an amicable suit, where the only object is to obtain the

¹ Of the business charged for, as if done by the Master, the greater part, Masters taken together, is done by the Master's clerk. The officers styled Six-clerks have long ascended into the Epicurean heaven, the region of sinecures: the Masters are jogging on in the road to it. I have known instances of Masterships given to common lawyers, to whom the practice of the Court was as completely unknown as any thing could be.

² Thus exacting, for the Master, payment for that same number of attendances not bestowed; and as to Solicitors, not only allowing but forcing them, on both sides—and there may be any number on each side—to receive payment, each of them, for the same number of attendances on his part.

³ Thus saith the nameless Barrister to the Master, who has taken care all this while to know no more of the matter than Lord Eldon does. He is one of the thirteen Commissioners, commissioned by Lord Eldon, to inquire, along with Lord Eldon, into the conduct of Lord Eldon.

⁴ Though no cause has more than two sides—the plaintiff's and the defendant's—yet on each side there may be as many different Solicitors as there are different parties, and to the number of them there is no limit.

opinion of the Court on some doubtful point, and the Master's report is previously necessary to ascertain the facts of the case clearly, each Solicitor concerned is required, in most instances, to take, or at least to pay for, a copy of the state of facts carried in, of the affidavits in support of it, and of the draft of the report; and in the event of his not taking these copies, he is not allowed to charge for any of his attendances in the Master's office."

P. 10. "The draft of the report is kept with the other papers relating to the suit in the Master's office; and to such a length is the system of charging for copies carried, that in amicable suits it not unfrequently happens, I believe, that no copy whatever of the draft report is made, but the Solicitor merely looks over the original draft in the Master's office. Yet, even in this case, two or more copies will be charged for¹ as made for the plaintiff and defendants." pp. 10, 11.

III. *How, by breach of duty as to attendance on the part of Masters and their Clerks, delay and expense are manufactured by them, and profit out of it, over and above what is exacted by them on mendacious grounds, as above.*

P. 15. "The Masters seldom, I believe, make their appearance in Southampton-buildings before *eleven*, and are mostly to be seen on their way home by *three o'clock* at the latest."

P. 16. "Another evil, is that of issuing warrants to different parties to attend at the same hour."

"With some exceptions (says another pamphlet, with a high and responsible name to it, page 32,) I find a general understanding prevails, that the *earliest* appointment for a Master must be *eleven* and the *latest* at *two o'clock*." Consequence—warrant sent for, frequent answer—'Master full for a week.' page 31. 'Court sits from *ten to four*.' So far the authority. Court, sitting as yet in public, cannot convert *itself* into a sinecurist: this accommodation it cannot afford to any but its feudatories, who, so long as they act, the shorter the proportion of time in a day they sit on each cause, have the greater number of attendances to be paid for.

The attendance, styled *the Master's*, is, after all, in many instances, only the *Clerk's*: so that it may be matter of calculation at the end of what period, under the cherishing care of Lord Eldon, all Masterships may have ripened into sinecures, and thus completed the course completed already by the Six-Clerkships. Per pamphlet, intitled *Rewards, &c.* p. 49, of which presently. Average emolument of one of the Master's *Clerks*, in 1822, 1823, and 1824, 2,300*l.* a year.

¹ By, and for the profit of, the Master.

IV. *Strict community of sinister interest between the judicial and professional lawyers; the judicial, principals, the professional, forced accomplices.*

P. 18. "Their bills will be less rigidly examined. Under these circumstances it is not the interest of a Solicitor to quarrel with the Master's clerk." Both are alike gainers by the existing system.—p. 14. "In cases where the costs come out of a fund in court, much less strictness is likely to prevail. If the plaintiff's Solicitor be allowed for attendances on more warrants than are actually taken out during the progress of the business, a similar allowance must be made to the defendant's Solicitor. But even if it were both the interest and inclination of the Solicitor to amend this practice, it is not in his power so to do. He might indeed amend it so far as his own charges go, but no farther. Over those of the Master's clerks, he has no control; and he is moreover at the mercy of the clerk. If he quarrels with the clerk, he must expect to be thwarted and delayed in every suit which comes into that office, and to have his bills rigorously taxed. The Master's clerk, with the assistance of a clerk in court, taxes the Solicitor's bill; but there is nobody to tax the Master's bill."—p. 14.

V. *Corruption and extortion, by bribes, given to and received by Master's clerks, in addition to the sinister profit, carried us above to the account of the Master.*

P. 13. "The gratuities at present allowed to the Master's clerks ought to be done away with altogether. . . Solicitors, who are in the habit of giving large gratuities to the clerks, will at any rate be looked on favorably. Their business will be readily attended to, and oftentimes to the delay of others, who, in strictness, are intitled to priority."

VI. *Anno 1814, Lord Eldon's eyes, forced to open themselves to fraud and extortion in one portentously scandalous instance, kept shut in all other instances before and since.*

P. 11. "With regard to copies of particulars of sale, where an estate is sold in the Master's office, a material alteration has of late years been made. To such a height had these charges amounted, that in one instance (*Casamajor v. Strode*) 700*l.* were claimed for compensation-money, in lieu of written copies of particulars of sale. In consequence of that charge, the general order of 24th March, 1814, was made, by which the Master is allowed

"Since writing the above, I have been informed that in one office* the clerk is not allowed to receive gratuities, but is paid a stipulated salary; and I understand that the business of that office is conducted as well, as expeditiously, and as satisfactorily in all respects as in other offices. It might seem invidious to say more so."—*Barrister.*

*Worth knowing it surely would be by the House of Commons, what that one office is.—J. B.

sixpence a side for so many printed copies of the particulars as there are *actual* bidders, *and no more*. There seems no good reason for making even this allowance. It would be fair enough, *if the Masters are to continue to be paid by fees*, to allow the expense of copying the particular for the printer, and even a fee, if thought necessary, for settling it; but beyond that, as there is no actual trouble, there should be no charge on the suitor."—p.12.

Of the particulars above given, a general confirmation may be deduced from the contents of the (I now see) *named*, but not promiscuously published pamphlet, above alluded to—Mr. Vizard's.

What is above is a small sample of that which is said to have place. Of what follows in sections 4, 8, and 9, the design is—to show how that which has place came, and comes to have place.

§ III. *Anno 1807. Order by Chancellor and Master of the Rolls, augmenting the fees, of offices in the gift of one of them.*

It consists of a printed pamphlet of 25 pages bearing in the title-page the words following:

"List of Costs in Chancery, regarding Solicitors, and also Clerks in Court, as increased by orders of Court, dated 26th February last; issued under the joint signatures of the Right Hon. the Lord Chancellor, and Master of the Rolls: being exact copies of those orders. The same having been collated with the original Lists of the Court."

"London: printed for Heraud and Co. Law-stationers, Carey-street, corner of Bell-yard. By J. and W. Smith, King-street, Seven-dials, 1807."

In the preamble to that part which regards the "Clerks in Court Fees," the order speaks of itself as establishing "a schedule of—increased fees." Thereon follows the schedule, and the number of the fees is forty-three.

Anno 1814. In pursuance of certain orders of the House of Commons, returns were made, amongst other Chancery offices, from that of the *Six-Clerks*, and another from that of the *Sworn and Waiting Clerks*. These are comprised in pages 5, 6, 7, 8, of a paper intitled "Fees in Courts of Justice." Dates of order for printing, 13th May, and 11th July, 1814. Nos. 234 and 250.

In the return relative to the Sworn Clerks, are reprinted the contents of the pamphlet above mentioned.

§ IV. *Profit to subordinates was profit to superiors; so, in course, to successors.*

Here begins the proof of the fact—that a twopenny-loaf costs twopence: in Honorable and Right Honorable House, the proof

will be insufficient; in any other, unless it were a Right Honorable one, it would be superfluous: for information, yes: but, for reminiscence, it may have its use.

1. Wherever an office has any money value, so has the patronage of it. By the patronage, understand the power of determining the individuals by whom, together, or one after another, it shall be possessed:—the whole power or any share in it.

Take any office singly, compared with the value of the possession, that of the patronage may be less or greater. It is most commonly less; but it may be many times greater. Patron (say) a father near the grave; son, in early youth: value of the office if occupied by the father, not one year's purchase; if by the son, a dozen years or more.

Present income of a Six-Clerkship, about 1,000*l.* a year: so stated to me by gentlemen belonging to the office. It is regarded as a sinecure; patron, the Master of the Rolls. One of these Judges was Sir Thomas Sewel; children, numerous. No further provision for this one, without injustice to others. Suppose it sold, what would it have been worth to him? Not a fifth of what it was by being given.—2,000*l.* the price usually got by patron. So at least said, by gentlemen belonging to the office. This for the information of Mr. Robinson: the Mr. Robinson who, as far as I understand hitherto, to secure purity interdicts sale, leaving gift as he found it.

Say *patron* and *grandpatron*, as you say *son* and *grandson*. Grand patronage is not so valuable as patronage. True: nor yet valueless. In the King's Bench, is an office called the Clerkship of the Rules. Annual value, as per Finance Reports, 1797-8, 2,767*l.* Nominal joint patrons in those days, Earl of Stormont and Mr. Way; grand patron, Earl of Mansfield, Lord Chief Justice. Trustee for the Lord Chief Justice, said Earl of Stormont and Mr. Way: price paid 7,000*l.*: circumstances led me to the knowledge of it. But for grand patron's cowardice (that cowardice which is matter of history) more might have been got for it. That or thereabouts was got for it a second time.

Would you know the money value of an office, exclusive of the emolument in possession? to the aggregate value of the patronage belonging to it, add that of the grand patronage. Nor is that of great grand patronage nothing. Wherever you can see a grand patron other than the king, seeing the king, you see a great grand patron.

A Mastership was a fortune to a daughter of Lord Erskine. Had he held the seals long enough, a Six-Clerkship might have been a provision for a son, supposing the matter settled with Sir William Grant, who had no issue.

If either patronage, grand patronage, or great grand patronage of the office are valueless, so is the possession of it.

In case of abuse, profit to individuals is one thing; mischief to the public, another. Profit from fee-gathering offices may be made either by sale or by gift. When by sale, small is the mischief in comparison of what it is when by gift. But this belongs to another head.

Neither by the Chancellor, nor by the Master of the Rolls (it may be said), are nominated any of the officers to whose fees the Order gives increase. True: nor by this is the additional value, given by it to the patronage, lessened. Along with the values of the Sworn-clerkship and the Waiting-clerkship, rises that of the Six-clerkship. *Ten-pence* per folio is paid to Sworn and Waiting-clerks; *ten-pence* per *ninety words*, called a *folio*, for copies taken by them: out of each such ten-pence, the Six Clerks, for doing nothing, receive four-pence. This is all they receive: an *all* which, to some eyes, may not appear much too little.

The measure was one of experiment: direct object, that project of plunderage, which will be seen continued and extended by the hands of Lord Eldon in 1807, and sanctioned by Parliament in 1822: collateral, or subsidiary object on his part, giving additional strength to the dominion of Judge-made over-Parliament-made law. Full butt did this order run against a special statute, made for remedy against this very abuse: not to speak of the general principle laid down, and thus vainly endeavored to be established, by the Petition of Rights. But as to this, see next section.

Of the price the public was made to pay for this sinister profit, not more than half has, as yet, been brought to view. The other half went to stop mouths. Waste, all of it, as well as productive of correspondent delay, is what is exacted for all three sorts of clerks. Thus felt, and even yet say, the solicitors. The plunderable fund is composed of the aggregate property of all those who can afford to buy a chance, for the article sold under the name of Equity. The greater the quantity taken by the one set, the less is left for the other—see an experience of this shown in § 13. Preceded accordingly by the bonuses given to these more immediate cointeresses of the Chancellor and his feudatory, was a like bonus given to the fraternity of solicitors.

§ V. *Contrary to law was the order.*

Not to speak of clauses of *common*, that is to say, *imaginary law*, called *principles*, borrowed or made by each disputant for the purpose of the dispute—full butt does the order run against indisputable *Acts of Parliament*:—acts of general application, applying to

taxation in any mode without consent of Parliament §—acts of particular application, applying to taxation in this particular mode :

1. First comes the *generally*-applying act, 25 Ed. I. c. 7. anno 1297. "We have granted for us and our heirs, as well to Archbishops . . . as to Earls . . . and to all the commonalty of the land, that for no business from henceforth we shall take such manner of aids, tasks, nor aprises, but by the common assent of the realm."

2. Next comes 34 Ed. I. stat. 4, c. 1. anno 1306. "No Tallage or Aid shall be taken or levied by us, or our heirs, in our realm, without the good-will and assent of Archbishops, Bishops, Lords, Barons, Knights, Burgesses, and other freemen of the land."

3. Now comes the *specially*-applying act, 20 Ed. III. c. 1. anno 1346. "First, we have commanded" (says the statute) "all our justices to be sworn, that they shall from henceforth do equal law and execution of right to all our subjects, rich and poor. And we have ordained and caused our said Justices to be sworn, that they shall not from henceforth, as long as they shall be in the office of justice, take fee nor robe of any man but of ourself, and that they shall take no gift nor reward, by themselves nor by others privily or apertly, of any man that hath to do before them by any way, *except meat and drink, and that of small value.*"¹

4. Lastly comes the all-comprehensively applying clause in the Act commonly called the Petition of Rights, 3. ch. 1, c. 1, § 10,

¹ The exception—*the meat and drink of small value* (need it be said?) speaks the simplicity of the times: roads bad, inns scantily scattered, judges, in their progresses in the suite of the monarch, starved, if not kept alive by the hospitality of some one or other, who, in some way or other, "*had to do before them.*"

A few words to obviate cavil.

Objection. Immediately before this last-mentioned clause in the statute, runs a sort of special preamble, in these words,—"*to the intent that our justices should do every right to all people, in the manner aforesaid, without more favor showing to one than to another.*" Well then: fee, the same to all, shows no such favor.

Answer, 1. Preamble limits not enacting part:—a rule too generally recognised to need reference; disallow it, the whole mass of statute-law is shaken to pieces.

2. Fee the same to all, *does* show such favor in the extreme. A. has less than 10*l.* a-year to live on: B. more than 100,000*l.* a-year: on A. a 5*s.* fee is more than ten thousand times as heavy as on B. Of the B.'s, there are several: of the A.'s, several millions. By the aggregate of the fees exacted on the plaintiff's side, all who cannot afford to pay it, are placed in a state of outlawry: in a still worse state those, who, having paid a certain part of the way, can pay no further. Ditto on defendant's side, sells to every man, who, in the character of plaintiff, is able and willing to buy it, an unlimited power of plundering and oppressing every man, who cannot spend as much in law as he can.

"That no man hereafter be compelled to make, or yield any gift, loan, benevolence, tax, or such-like charge, without common consent by Act of Parliament."

Turn back now to the Judge-made law, and the enactors of it. Could they have had any doubt as to the illegality of what they were doing? Not unless these sages of the law had forgot the A, B, C, of it.

But a pretence is made,—and what is it? "Whereas the same" (speaking of the fees of the offices in question) "have been at different times regulated by the orders of this Court, as occasion required."

The "different times,"—what are they? They are the *one* time, at which, by a like joint order, anno 1748, 17 Geo. II. Lord Chancellor Hardwicke, his Master of the Rolls, Fortescue, "did order and direct that the Sworn-clerks and Waiting-clerks, do not demand, or take any greater fees or reward for the business done or to be done by them in the Six-clerks' office, than the fees and rewards following:" whereon comes a list of them.¹

In any of the many reigns in which Parliament never sat but to give money, and in which, could Kings have kept within bounds, there would have been an end of Parliaments,—as the value of money sunk, augmentation of subordinate's fees by superiors might have had something of an excuse. But Lord Hardwicke—while he was scheming this order, he was receiving in the House of Lords money-bills in profusion, brought up by the House of Commons. This tax of his—would the Commons have given, or would they have refused their sanction to it? Under either supposition, this tax of his imposition was without excuse.

Well, and suppose that Chancellor and his Master of the Rolls *had* done what Lord Chancellor Erskine and his Mentor did,—"*order and direct* that the said schedule of fees be adopted?" (p. 18.) But they did no such thing: they were too wary: the time was not ripe for it. George the Second had a Pretender to keep him in check: George the Third had none. True it is, that by their adroitly-worded *prohibition*, all the effect of *allowance* was produced. But, had anything been said about the Order, *there*

¹ House of Commons paper, 1814, intituled "Fees in Courts of Justice," p. 5.—Returns to orders of the Honorable House of Commons of 31st March and 2nd of May, 1814: for "a return of any increase of rate of the fees, demanded and received in the several superior *Courts of Justice*, civil or ecclesiastical, in the *United Kingdom*, by the Judges and Officers of such Courts, during twenty years, on the several proceedings in the same, together with a statement of the authority under which such increase has taken place."

1. England, 2. Scotland, 3. Ireland, 434 and 450.—Ordered by the House of Commons to be printed, 13th May and 11th July, 1814.

were the *terms* of it:—all that these models of incorruption had in view by it was *repression*: *allowance* was what it was converted into, by underlings acting out of sight of superiors. Thus, on a ground of rapacity, was laid an appropriate varnish:—a coating of severe and self-denying justice.

The caricature-shops used to exhibit divers progresses: Progress of a *Scotchman*, Progress of a *Parson*, and some others. In these pages may be seen that of a *fee-gathering Judge*. Seen already has been the first stage of it.

If Lord Erskine, or rather the unfledged Equity-man's Mentor, had any doubts of the illegality of what they were doing, no such doubts had Lord Eldon: for now comes another motion in the gymnastics of lawyer-craft—the last stage, or thereabouts, which for the moment we must anticipate.

The last stage in the progress, is that which is exhibited in, and by that which will be seen to be *his Act*—the Act of 1822—3 Geo. IV. c. 69, as per § 13, of these pages: the assumption per force recognised to be *illegal*; because, as will also be seen, the Court of King's Bench had just been forced to declare as much: whereon came the necessity of going, after all, to Parliament: *illegality* recognised, but a different word, the word *effectually*-employed, that from all who were not in the secret, the evil consciousness might be kept hid. “Whereas” (says the preamble) “it is *expedient* that some provision should be made for the permanent regulations and establishment of the fees of the officers, clerks, and ministers of justice of the several Courts of Chancery, King's Bench, Common Pleas, Exchequer, and Exchequer Chamber, at Westminster, and of the clerks and other officers of the Judges of the same Courts; but the same cannot be *effectually* done but by the authority of Parliament”. . . . thereon, comes the first enactment, enabling Judges to deny and sell justice for their own profit, and giving legality and permanence (and by the blessing of God!—Mr. Justice Bailey and Mr. Justice Park! eternity) to the things of which we have been seeing samples.

As to the *effectuality* of the thing, what had been done in this way without Parliament and against Parliament, had been but *too effectually* done; and, but for the so lately disclosed *illegality*, might and would have continued to be done, as long as matchless Constitution held together. At the same time, what is insinuated is—that, although what *had* thus been done without Parliament, *had* hitherto and all along been done *legally*, yet, for want of some *machinery*, which could not be supplied but by Parliament, it could not *in future* be so effectually done, as it would be with the help of such machinery, which, accordingly, the Act was made to supply. Not an atom of any such subsidiary matter is there in

the Act. All that this Act of Lord Eldon's does, is to authorise and require himself, and the other Judges in question—the Westminster Hall Chiefs—to do as it had found them doing: taxing the injured—taxing them on pain of outlawry—taxing the people, and putting the money into their own pockets. In § 13, the reader will see whether what is here said of the absence of all machinery is not strictly true. Nothing whatever, besides what is here mentioned, does the Act so much as aim at.

§ VI. *By it, Increase and Sanction were given to Extortion.*

The illegality of the order supposed, taking money by color of it, is *extortion*:—either *that* is, or nothing is.

Ask Mr. Serjeant Hawkins else. As good common law as Mr. Anybody else, or even my Lord Anybody else makes, is that made by Mr. Serjeant Hawkins; so says everybody. Look to ditto's Pleas of the Crown, vol. ii, b. i, ch. 68, § 1. In the margin especially, if you take Leach's edition, or any subsequent one, you will see a rich embroidery of references: if the ground does not suit you, go to the embroidery, and hard indeed is your fortune, if you do not find something or other that will suit you better.

"It is said" (says he) "that extortion, in a *large* sense, signifies any *oppression* under color of right; but that in a *strict* sense, it signifies the taking of money by any officer, by color of his office, either where none at all is due, or not so much is due, or where it is not yet due." So much for the learned manufacturer. For the present purpose, the *strict* sense, you will see, is quite sufficient; as for the *large* sense, this is the sense you must take the word in, if what you want is nonsense. If you do, go on with the book, and there you will find enough of it; and that too without need of hunting on through the references; for if, with the law-making Serjeant, you want to enlarge *extortion* into *oppression*, you must strike out of *extortion* the first syllable, and, with it, half the sense of the word; which done, you will have *tortion*—which will give you, if not the exact synonyme of *oppression*, something very little wide of it; and here, by the bye, you have a sample of the sort of stuff on which hang life and death under *Common Law*.

§ VII. *So, to Corruption.*

Corruption? No: no such head has the learned aforesaid manufacturer, and wholesale dealer in crown-law. No matter: he has *bribery*. Rambling over that field, he picks up *corruption*, which he takes for the same thing. Had he lived in present times, well would he have known the difference. Bribery is what no Judge practises: would you know what prevents him, see "Ob-

servations on the Magistrates' Salary-raising Bill : " Corruption—self-corruption—is what, as you may see there and here, every Westminster Hall Chief Judge has been in use to practise ;¹ and is now, by Act of Parliament, anno 1822, 3 Geo. IV. c. 69, allowed to practise.

For bribery too, Hawkins has his *strict* sense and his *large* sense. It is in its *large* sense that he fancies it the same thing with *corruption*. Neither, to bribery, however, nor to corruption, does this law of his apply itself, in any other case than that in which he who commits it has something or other to do with the administration of justice.¹ But, as before, this is all that is wanted here.

"Bribery" (says he) "in a *strict* sense, is taken for a great *misprision* of one in a judicial place, taking any valuable thing whatsoever, *except meat and drink of small value*,² of any one who has to do before him any way, for doing his office, or by color of his office, but of the King only.

"§ 2. But bribery in a *large* sense" (continues he) "is sometimes taken for the receiving or offering of any undue reward, by or to any person whatsoever, whose ordinary profession or business relates to the administration of public justice, in order to incline him to do a thing against the *known rules of honesty and integrity*; for *the law abhors* [inuenda the common law, that is to say, it makes the Judges abhor] *any the least tendency to corruption in those who are any way concerned in its administration.*"

Here the learned Serjeant waxes stronger and stronger in sentimentality, as he ascends into the heaven of hypocrisy, where he remains during the whole of that and the next long section.—"Abhor corruption?" Oh yes, even as a dog does carrion.

Be this as it may, note with how hot a burning iron he stamps bribery and corruption on the foreheads of such a host of sages:—of Lord Erskine (oh fie! isn't he dead?) Sir William Grant (oh fie! was he not an able Judge?) and Lord Eldon, the Lord of Lords, with his *cateras* the inferior Chiefs.

§ VIII. *How Lord Eldon pronounced the Exaction, contrary to Law—all the while, continuing it.*

The following is the tenor of a note obtained from an eminent barrister present, who had particular means and motives for

¹ By Lord Chief Justice Raymond, or by somebody for him, *Bench law* was afterwards made to explain and amend this *Inn of Court* law of the learned Serjeant, in addition to judicial law: corporation election bribery was thereby made bribery likewise. See the embroidery as above.

² To Serjeant Hawkins (we see), to Serjeant Hawkins, though he never was a Judge—the Statute of Edward the Third was not unknown, though so perfectly either unknown or contemned by the host of the under-mentioned Judges.

being correct as to the facts, and who does not, to this moment, know the use intended to be made of it? In the Court of Exchequer, February 5, 1820.

“DONNISON V. CURRIE.

“A question was made on a petition, whether certain allowances, made to a solicitor on the taxation of his bill of costs, were regular, which they would have been, if the Court of Exchequer adopted in its practice the additional allowances made by Lord Erskine's order, otherwise not.

“It was objected that those additional allowances were not adopted by the Exchequer, inasmuch as Lord Erskine's order was not legal, and that Lord Eldon had intimated an opinion that he did not consider it as legal.

“The Chief Baron (Richards) admitted that he understood *Lord Eldon had said that he did not consider Lord Erskine's order as being legal, but that it had been now so long acted on, that the Court must be considered as having sanctioned it*, and that he (Richards) should follow what had been said by Lord Eldon.” Thus far the Report.

As to its being for his own benefit—see § 4.

Thirteen years, and no more, having sufficed thus to set Bench above Parliament, anno 1820, quære what is the *smallest* length of time that will have become sufficient before the reign of John the Second is at an end?

Objector.—Idle fears! how inconsiderable in all this time, the utmost of what the people can have suffered from the exercise of this power!

Answer.—True, the plunderage has its limit. Thank for it, however—not learned moderation, but a very different circumstance, which will be explained in § 13, when the Act by which the last hand put to the plan comes to be considered: moreover, what makes fees so stickled for in preference to salary is—that as plunderable matter increases, so will plunderage.

As to its being for his own profit that Lord Eldon thus continued the exaction, see § 4.

Bravo, Lord Chancellor Eldon! bravo, Lord Chief Baron Richards! “*So long!*” that is to say, just thirteen years: assuming what of course is true—that of the course of illegality begun under Lord Erskine, and pursued under Lord Eldon, the continuation commenced with his re-accession. Years, thirteen! Here then is *on* length of time which suffices to intitle the Westminster Chiefs, all or any one of them, to set aside any Act or Acts of Parliaments they please: and in particular any Act of Parliament, the declared object of which is to prevent them from plundering,

without stint, all people, who can and will buy of them, what they call *justice*, and from denying it to all who cannot.

But Bar?...what said Bar to this? Oh! Exchequer is a snug Court: small the quantity of Bar that is ever there. But, were there ever so much, Bench cannot raise itself above Parliament but it raises Bar along with it. Between Bench and Bar, even without partnership in money or power, sympathy would of itself suffice to make community of sinister interest. The same fungus, which, when green, is made into Bar, is it not, when dry, made into Bench?

No want of Bar was there, anno 1801, when Lord Eldon, as per next section, laid the ground for the decision, thus pronounced anno 1820; as little, when, the next year (1821) as per § 12, ground and all were laid low by the shock of an earthquake. Matchless Constitution (it will be seen) may be turned topsy-turvy, and *lay-gents* know nothing of the matter: Bar looking on, and laughing in its sleeve.

Note here the felicity of Lord Eldon: the profit reaped by him from his *Hegira* of a few months. We shall soon see, how, from one of the most unexpectable of all incidents, the grand design of the Grand Master of delay experienced a delay of six years: a delay, which, like so many of his own making, might never have found an end, but for the short-lived apparent triumph and unquiet reign of the pretenders to the throne. When, on their expulsion, the legitimates resumed their due omnipotence, it seemed to all who were in the secrets of providence—and neither Mr. Justice Bailey nor Mr. Justice Park, nor any other chaplain of Lord Eldon's, could entertain a doubt of it—that it was only to give safety and success to this grand design of his, that the momentary ascendancy of the intruders had been permitted. The Chancellor, by whom the first visible step in the track of execution was taken, being a Whig,—not only was a precedent set, and ground thus made for the accommodation of Lord Eldon, but a precedent which the Whigs, as such, stood effectually *estopped* from controverting. Poor Lord Erskine—all that he had had time to do, was to prepare the treat: to prepare it for his more fortunate predecessor and successor. Scarce was the banquet on the table, when up rose from his nap the “giant refreshed,” and swept into his wallet, this, in addition to all the other sweets of office. As to poor Lord Erskine, over and above his paltry 4,000*l.* a-year, nothing was left him, but to sing with Virgil—*Sic vos non nobis mellificatis apes.*

§ IX. *How the Chancellor had laid the ground for the more effectual corruption of himself and the other Chiefs.*

For this ground we must, from 1821, go as far back as the year 1801. In the explanation here given of the charges, it seemed necessary to make this departure from the order of time : for, till some conception of the design, and of a certain progress made in the execution of it, had been conveyed, the nature of the ground, so early and so long ago laid for it, could not so clearly have been understood.

In nonsense (it will be seen) was this ground laid : plain sense might have been too hazardous. The document in which the design may be seen revealed, is another reported case, and (what is better) one already in print : *Ex-parte Leicester, Vesey Junior's Equity Reports*, VI. 429. Buried in huge grim-gribber folios, secrets may be talked in print, and, for any length of time, kept. The language nonsense, the design may be not the less ascertainable and undeniable. Nonsense more egregious was seldom talked, than, on certain occasions, by Oliver Cromwell. Whatever it was to the audience *then*, to us the design is no secret *now*.

Here it follows—that is to say, Lord Eldon's.

Vesey Junior, vi. 429 to 434. Date of the report, 1801, Aug. 8. Date of the volume, 1803, p. 432.—LORD CHANCELLOR (p. 433)—“A practice having prevailed, for a series of years, *contrary to the terms of an Order of the Court*, and sometimes *contrary to an Act of Parliament*, it is more consistent to suppose some ground appeared to former Judges, on which *it* might be rendered *consistent with the practice* ; and therefore, that it would be better to correct *it* in future, *not in that particular instance*. On the question, whether that order is to be altered, or to be acted on according to its terms, which are at variance with the practice, I am not now *prepared* to deliver a decisive opinion : for this practice having been ever since permitted to grow up as expository of the order, if my opinion was different from what it is as to the policy of the order according to its terms, I must collect, that there is in that practice testimony given, that, according to the terms, it would be an inconvenient order.”

No abstract this—no paraphrase—*Verba ipsissima*. Eldon this all over. None but himself can be his parallel.

Nothing which it could be of any use to insert is here omitted. Those who think they could find an interpretation more useful to Lord Eldon by wading through the five or six folio pages of his speech, let them take it in hand and see what they can make of it. All they will be able to do is to make darkness still more visible.

§ X. *How the design was stopt short by a Solicitor, till set a-going again, as above.*

The deepest-laid designs are sometimes frustrated by the most unexpected accidents. From the hardihood of a man whose place was at his feet, we come now to see a design, so magnificent as this of the Chancellor's, experiencing the above-mentioned stoppage of six years.

Before me lies an unfinished work, printed but not published : title, "Observations on Fees in Courts of Justice:" date to the Preface, Southampton Buildings, 17th November, 1822. In that street is the residence of Mr. Lowe, an eminent solicitor. The work fell into my hands without his knowledge. He is guiltless of all communication with me. This said, I shall speak of him as the author without reserve. From that work I collect the following facts. Year and month, as above, may be found material.

1. Page 20. Early in Lord Eldon's first Chancellorship, to wit, anno 1801, his Lordship not having then been five months in office, Mr. Lowe, in various forms, stated to his Lordship, in public as well as in private, that *in his Lordship's Court, "the corruption of office had become so great, that it was impossible for a solicitor to transact his business with propriety."* This in general terms: adding, at the same time, what, in his view, were particular instances, and praying redress. Note, that to say *in his Lordship's Court*, was as much as to say, *under his Lordship's eye*:—after such information, at any rate, if not before.

2. Page 20. Argument thereon by counsel: Mansfield, afterwards Chief Justice of the Common Pleas; Romilly, afterwards Solicitor-General. On the part of both, assurance of strong conviction that the charge was well founded; proportionable fears, and not dissembled, of the detriment that might ensue to the personal interest of their client from the resentment of the noble and learned judge.

3. Page 20, 21. Proof exhibited of the reasonableness of these fears:—"Judge angry."... Petitioner "bent beneath a torrent of power and personal abuse."

4. Page 21. Five years after, to wit, anno 1806—Lord Erskine then Chancellor—similar address to his Lordship: a brief again given to Romilly (at this time Solicitor-General), but with no better fortune: further encouragement this rebuff—further encouragement, to wit, to Lord Eldon, when restored.

5. Page 21. In a note, reference to the above-mentioned case, *Ex-parte Leicester*, in Vesey, junior, with quotation of that portion of his Lordship's speech, which may be seen above in § 9. Hence

a conjecture, that in that same case, Mr. Lowe himself, in some way or other, had a special interest. From the reference so made to that case, and his Lordship's speech on the occasion of it, it should seem that the design of it, as above, was not a secret to Mr. Lowe, and that his Lordship knew it was not.

Here ends the history of the *stoppage*.

6. Preface, pp. 6, 7. Upwards of eighteen months antecedently to the above-mentioned 17th November, 1822, say accordingly, on or about 17th May, 1821, page 6, on the occasion of two causes—Limbrey against Gurr, and Adams against Limbrey,—laid by Mr. Lowe before the Attorney-General of that time, to wit, Sir Robert Gifford, matters showing “that the increasing amount of fees and costs was like *a leprosy rapidly spreading over the body of the law*.”

7. Preface, p. 3. Anno 1821, Trinity vacation—day not stated—to wit, sometime between July and November, mention made of his Lordship's courtesy, and of “a promise which his Lordship” (wrath having had twenty years to cool) “very condescendingly performed.” On this occasion, *hearing* before his Lordship, Master of the Rolls sitting with him: proof presumptive, not to say conclusive, that, on this occasion, Lord Erskine's Order was under consideration: “Controverted” by Mr. Lowe, a fee that had received the confirmation of one of the sets of Commissioners, appointed by Lord Eldon for this and those other purposes that every body knows of.

8. Preface, p. 5. Anno 1822, Easter term. Observations on the same subject, laid before the “Master in Ordinary,” meaning doubtless one of the officers ordinarily styled *Masters in Chancery*, ten in number, exclusive of the Grand Master, the Master of the Rolls. With as good a chance of success might the gentleman have laid them before the Master of the Mint.

9. P. 5. Anno 1822, soon after the above, “Information and Bill” filed against Mr. Lowe, by Mr. Attorney-General, and said to be fully answered. Solicitor to the Treasury, “Mr. Maule.” Answer put in by defendant, attachment for contempt in *not* answering. Quære, what means “*Information*” and “*Bill*”? Information in King's Bench? Bill in Chancery? But what *answer* can an information in King's Bench admit of?

10. P. 6. Shortly afterwards, Observations laid by him before the Lords of the Treasury, soliciting the investigation of the charge laid before the Attorney-General (Sir Robert Gifford) *eighteen months before*, on the occasion of the cases of Limbrey and Gurr, &c. as per No. 6.

Containing, as it does, pages between 5 and 6, this same preface is too long for insertion here. Carefully have the above allegations

been culled from it. Of the passage contained in the body of the work, the matter is too interesting and instructive to be omitted: it will be found below.

Here then is *one* source, from which, had it ears for corruption, Honorable House might learn at any time, whether, from the above alleged corruption, Lord Eldon has not, during the whole of his two Chancellorships, been reaping profit, and whether it was possible so to have been doing without knowing it. By Lord Eldon's present set of nominees, evidence from Mr. Lowe has, I hear, been elicited. Little, if any fruit, I hear, has been obtained from it. No great wonder any such barrenness. Anything unacceptable to their creator they could not be very desirous to receive; nor, perhaps, Mr. Lowe, since the experience had of his Lordship's "courtesy," to give.

Astonished all this while at the stoppage—astonished no less than disappointed—must have been the goodly fellowship—the solicitors and clerks in court; importunate for six long years, but not less vain than importunate, had been their endeavors to obtain from Lord Eldon and his Sir William Grant—yea, even from Lord Eldon!—that boon, which with the same Sir William Grant for mediator and advocate,—at the end of six short months, we have seen them obtaining from Lord Erskine:—the said Sir William Grant being, as per § 4, in quality of patron, in partnership with the said clerks in court.¹

P. 19. "*An attempt in 1801 to reform practice.*"

Whilst Lord Thurlow held the great seal, tables of *fees* taken by *officers in the Court of Chancery* remained set up or affixed in their respective offices, and the most trifling gratuity was received with a watchful dubious eye and cautious hand; but soon after

¹ Since writing what is in the text, a slight correction has come to hand. Not the whole of John the Second's first reign, only the two last years of it experienced this disturbance. There was an old Sixty-Clerk named *Barker*, who was a favorite at Court, and had his *entrées*. Cause of favor, this—after pining the exact number of years it cost to take Troy, Mr. Scot, junior, had formed his determination to pine no longer, when providence sent an angel in the shape of Mr. Barker with the papers of a fat suit and a retaining fee. Him the fellowship constituted for this purpose Minister Plenipotentiary at the Court. On an average of the two years, every other day, it was computed, the Minister sought, and as regularly obtained an audience: answer, no less regular—"to-morrow." On this occasion, observation was made of a sort of competition in the arena of frugality between the potentate and his quondam protector, now sunk into his humble friend. Without an extra stock of powder in his hair, never, on a mission of such importance, durst the plenipotentiary approach the presence; consequence, in that article alone, in the course of the two diplomatic years, such an increase of expense, as, though his Excellency was well stricken in years, exceeded, according to the most accurate computation, the aggregate expenditure in that same article during the whole of his preceding life.

the great seal was resigned by his lordship, those tables began to disappear, and (in 1822) have *never since been renewed*: gratuities then augmented, until they had no limits: and so early as the year 1801, when increased fees and costs had attained little of the strength and consistency *at which they have since arrived*, the Author of these observations stated to the Court "*that the corruption of office had become so great, that it was impossible for a solicitor to transact his business with propriety*;"¹ to justify such statement he, by petition, set forth certain payments made, which he insisted ought not to have been demanded or received, and prayed for redress; and he wrote a letter to one of the Lord Chancellor's secretaries, in which he stated an opinion, which (until the great charter, and the before-mentioned statutes of King Edward III. and King Richard II. are repealed,) he is disposed to maintain; and which (though otherwise advised by his counsel) he then refused to retract.² The petition came on for hearing, and was supported by Mr. Mansfield and Mr. Romilly, with a spirit and in a manner peculiar to those advocates, and satisfactory to the feelings of the petitioner; and resisted by Mr. Attorney-General (Sir Spencer Percival) and Mr. Richards.

In vain did Mr. Mansfield urge that "*gratuity was the mother of extortion*," and Mr. Romilly state the intrepidity of his client. On that occasion, the Author of these observations, who never heard an *angry judge* give a just judgment, bent beneath a torrent of power and *personal abuse*.

On the coming in of a new administration, in the year 1806, the

¹ "On hearing the case *ex-parte* Leicester, 6th Vez. jun. 429, where it was said, 'that a practice having prevailed for a series of years, contrary to the terms of an order in Court, and sometimes contrary to an Act of Parliament, it is most convenient to suppose some ground appeared to former judges on which it might be rendered consistent with the practice; and therefore that it would be better to correct practice in future, not in the particular instance.' Whereas, the Author of these observations thinks that all practice which is contrary to an Act of Parliament, or to the terms of a standing order of Court, originates in corruption, and ought to be abolished in the particular instance complained of, or when, or however, a practice, at variance with law or order, is first made known to the Court."

² "Mr. Mansfield sent for the Author of these observations to his chambers, and there told him, that the Lord Chancellor *had expressed displeasure* at something said in a letter to his secretary, and advised an apology to be made. In reply, the Author of these observations told his counsel, that he was prepared to maintain what he had written, and that he would not make an apology; and, having read to Mr. Mansfield the draft of the letter, Mr. Mansfield said that he recollected when Lord Thurlow was made Lord Chancellor, his Lordship had mentioned to him in conversation, that he had been told that he was entitled to receive some fees, which he doubted his right to take: and Mr Mansfield added, that such fees must have been those alluded to in the letter."

Author of these observations addressed a letter to Lord Erskine, and prepared to further hear his petition; but he was given to understand, by those who had once applauded his efforts,¹ that *a change of men did not change measures; and since that time the irregular increase of fees and costs* has introduced much confusion into the law.

§ XI. *How the other Chiefs were corrupted accordingly.*

As to what regards the Chief of the Exchequer Judicatory, an indication has been seen in § 6. As to what regards King's Bench and Common Pleas, the like may be seen in § 12. Invitation,—"Take and eat." Seen it has been and will be, whether there was any backwardness as to acceptance.

Forget not that these men were, all of them, his creatures: breath of his nostrils; sheep of his pasture.

§ XII. *How the illegality got wind: and how Felix trembled.*

Of the spread of the contagion from Chancery to Exchequer, indications were given in § 8: mention was there made of its having completed the tour of Westminster Hall. What is there said is no more than general intimation: the manner *how*, comes now to be set forth,

Anno 1821, lived a broken Botanist and Ex-Nursery-man, named *Salisbury*. To distinguish him from a namesake of the gentleman-class, *Salisbury minor* is the name he goes by among the Fancy. At the end of a series of vicissitudes, he had sunk into one of those sinks of misfortune, in which, to help pamper over-fed judges, debtors are squeezed by jailors out of the substance that should go to creditors. As from Smithfield an over-driven ox into a china-shop—breaking loose one day from his tormentors, *Salisbury minor* found means, somehow or other, to break into one of the great Westminster Hall shops; in which, as often as a demand comes for the article so mis-called *justice*, bad goods are so dearly sold to all who can come up to the price, and denied, of course, to those who cannot. The china-shop scene ensued. Surprised and confounded, the shopmen exhibited that sort of derangement, which the French express by *loss of head*— *Ils ont*

¹ "The letter to Lord Erskine was delivered to the late Mr. Lowton, who had a conversation with the Author of these observations thereon, and Sir Samuel Romilly sent for and had his brief to reconsider."

perdu la tête. Under the notion of defence, confessions came out, which come now to be recorded.

Anno 1821, Nov. 21. (The date is material.) Barnewall and Alderson's King's Bench Reports, Vol. v. p. 266.

“ IN THE MATTER OF SALISBURY (IN PERSON !)

“Salisbury *in person* had obtained a rule *nisi*, for one of the tipstaffs of the Court, to answer the matters of his affidavit. The affidavit stated, that the tipstaff had taken a fee of half a guinea, for conveying him from the Judge's chambers (to which he had been brought by habeas-corpus) to the King's Bench prison, such fee being more than he had a right to demand, according to the table of fees *affixed in the King's Bench, in pursuance of a rule of this court*.”

“Gurney and Platt showed cause, on *affidavits*, stating that the fee had been taken *for a very long period of time by all tipstaffs in both courts*, and that it was *allowed* by the Master in costs.”

“The Court, however, adverting to the statutes 2 Geo. II. c. 22, § 4, and 32 Geo. II. c. 28, § 8, and the rule of court of Michaelmas term, 3 Geo. II. and the table of fees settled in the following year, said, that it was *clear*, that the tipstaff had no right to take any other fee for taking a prisoner from the Judge's chambers to the King's Bench prison than six shillings, which was the fee allowed him in that table. They, therefore, ordered the fee so taken to be *returned* to the complainant.”¹

“Figure to himself, who can, the explosion. *Bancum regis* shaken, as by an earthquake. *Bancum regis* in an uproar ! the edifice it had cost Lord Eldon twenty years to rear, laid in ruins. *We are above Parliament*, had said, as above, Lord Eldon—*Alas ! no* : at the first meeting cried Lord Abbot, *I could not, for the life of me, keep where you set us. I had not nerve for it. That fellow.... such impudence ! who could have thought it ? As to the fees, it is from Parliament, you see, we must have them now, if at all It may take you some little trouble ; but you see how necessary it is, and you will not grudge it*.”

This is not in the report ; but it is in the nature of the case, and that is worth a thousand law reports, drawn up by toads under harrows.

Think now of the scene exhibited in and by King's Bench ;—culprit and judge under one hood—Guilty or not guilty ?—Not guilty ? O yes, if the Master, whose every-day business it is to *tax*

¹ “See the table of fees in the rules of the King's Bench, p. 241.”—Here ends the report.

costs, knows not what they are : if the Chief Justice, whose every-day business it is to *hear discussions* about costs, knows not what they are, or what they ought to be.—See now how the account stands :—the money account. Of the 10s. 6d. legalised, say 6s. : remains confessed to have been extorted, 4s. 6d. : sub-extortioner's profit, the 4s. 6d. : head extortioner's, the 4s. 6d., minus $\times$: to find the value of $\times$ see above, § 4, and forget not, any more than Lord Eldon and Lord Abbot forgot, that pounds and thousands of pounds are made of pence and shillings.

Mark now another sort of account. Case, a criminal one. Co-defendants, had the list been complete, Tipstaff, Master, and Chief Justice. Had it been as agreeable to punishers to punish themselves as others, what a rich variety of choice was here ! Motion for imprisonment by *attachment*, as above : for this is what is meant by *answering affidavits* : Indictment for extortion, Indictment for corruption, Indictment for conspiracy ; Information for all or any of the above crimes.

Mark now the *denouement*. The case, as above, a criminal one : the crime not punished, but without the consent of the sufferer *compounded* for : of the fruit of the crime the exact nominal amount ordered to be restored :—not a farthing even given to the hapless masterman by whose sad day's labor thus employed, so much more than the value had been consumed in thus suing for it : with cost of affidavits several times as much. After seeing in this precedent the utmost he could hope for—what man, by whom like extortion had been suffered from like hands, would ever tax himself to seek redress for it ? Redress—administered in semblance, denied in substance. With not an exception, unless by accident, such or to an indefinite degree worse, is matchless Constitution's justice !

But the punishment ?—where was the punishment ? This is answered already. Had the order for redress comprised a sixpence beyond the 4s. 6d. the inferior malefactor might have turned on his principal, and the fable of the young thief, who at the gallows bit his mother's ear off, have been realised. *Isn't it you that have led me to this ? These four and sixpences that I have been pocketing—is there any of them you did not know of ?* Had it not been for this mishap, would not my place have been made worth so much the more to you by every one of them ? *Is there any one of them that did not add to the value of the place you will have to dispose of when I am out of it ?* Why do you come on me then ? Can't you afford it better than I can ? Pay it yourself.

But—the two learned Counsel, who thus fought for the 4s. 6d.—*by whom* were they employed ? by Tipstaff, Master, or Chief Justice ? Not by Tipstaff, surely : seeing that his cause was so much the Chief Justice's, he would not thus have flung away his

money : he would not have given six, eight, or ten guineas to save a 4s. 6d. : these, if any, are among the secrets worth knowing, and which House of Commons will insist on knowing. Insist?—But when? when House of Commons has ceased to be House of Commons.

Well, then, this four-and-sixpenny tripartite business—is it not extortion? Is it not corruption? If not, still, for argument sake, suppose, on the part of all three learned persons—all or any of them—suppose a real desire to commit either of these crimes; can imagination present a more effectual mode of doing it? Till this be found, spare yourself, whoever you are, spare yourself all such trouble as that of crying out Shame, Shame! Contempt of Court! Calumny! Blasphemy!

Contempt of Court? forsooth! If contempt is ever brought on such Courts (and, for the good of mankind too much of it cannot be brought on them), it is not in the telling of such things, but in the doing of them, that the culpable cause will be to be found.

Here then, we see, were Statutes—here (according to Lord Eldon's instructions) laid down as per § 9, at the outset—here were Rules of Court disposed of in the same way, and at one stroke. Anno 1801, in the first year of his reign—disposed of at one stroke, and in the same way. A liberty which might so easily be taken with Acts of Parliament—hard indeed it would have been, if a Judge might not take it with the Rules of his own Court. Conformable (we see here exactly) was this operation to the instructions laid down by him, as per § 9, just 20 years before, anno 1801, in the first year of his reign. As to the Rules of Court, it was not in the nature of the case that they should present any additional difficulty; Rules which, if it were worth the trouble, and would not make too much sensation, he might have repealed in form at any time.

Be this as it may, here was the exact case, so long ago provided for by Eldonic providence: the case, which, being the principle laid down, with virtual directions given for the guidance of his next in command, had been made broad enough to fit. “You need not be told (say these directions) how much more obedience-worthy Common is than Statute law:—law of our own making, than any of the law we are forced to receive from lay-gents. But, though you should find one of our own laws in your way—nay, though with one of *their's*, you should find in your way one of *our's* to give validity and strength to it—never you mind that; your business is to make sure of the fees. At the same time, for decency sake, while our underlings, who get more of them than we do, are screwing them up (and you may trust *them* for *that*), you of

course will know nothing of the matter. Should any unpleasant accident happen—such as the having the Table with the lawful fee, in company with the proof of the additional money habitually exacted, bolted out on you in the face of the public, you will of course be all amazement. Though the thing can never have taken place, but under your own eye—while the prisoner was beginning to be conducted from your own chambers, where you had just been examining him—never had you so much as suspected the existence of any such difference.”

As to Lord Abbot, whatever want of disposition on his part there may have been to pay regard to Acts of Parliament, no such want could there have been as to any such instructions as these of Lord Eldon’s. But whether it was that he had not got them by heart, or that when the time came to repeat them and apply them to practice, his heart failed him,—so it was—they were not followed: and so, out came the confession that has been seen: the confession in all its nakedness.

This is not all: not more than three years before, this very fee had been taken into consideration by specially-appointed authority, and the 4s. 6d. disallowed. Under the head of ‘Tipstaff,’ “the Table of 1760,” (say certain commissioners, of whom presently,) “directs the fee of 6s. to be paid to the Tipstaff that carries any prisoner committed at a Judge’s chambers to the King’s Bench prison.” . . . “The fee of 10s. 6d. we conceive to have been taken in respect of these commitments . . . for twenty-five years, and probably longer: but *we recommend* ‘that the fee of 6s. only be received in future.’”¹

Mark now the regard manifested by these commissioners—by these commissioners of Lord Eldon’s—for the authority of Parliament. Recommendation soft as lambskin: of the extortion, and contempt of Parliament, impudent as it was, not any the slightest intimation, unless the rotten apology, thus foisted in instead of censure, be regarded as such. Of this recommendation the fruit has been already seen: the fee taken, and for aught that appears uninterruptedly taken, notwithstanding. What?—In all the three intervening years, the Chief Justice, had he never heard of any such recommendation? never heard a *Report*, of which his own court, with the fees belonging to it, were the subject? never seen any thing of it?

And the commissioners? For what cause disallow the 4s. 6d.? Only because the Act of Parliament, and the contempt so

¹ Report printed for the House of Commons—Date of order for printing, 14th May, 1818: Sole subject of it: “Duties, salaries, and emoluments as to the Court of King’s Bench.”

impudently put on it, and the extortion and corruption for the purpose of which the contempt was put, had been staring them in the face. Men, who from such hands accept, and in this way execute, such commissions—is not some punishment their due? Yes, surely: therefore here it is. Public—behold their names! 1. John Campbell, Esq. Master in Chancery;—2. William Alexander, Esq. then Master, now, by the grace of Lord Eldon, Lord Chief Baron of the Exchequer;—3. William Adams, Doctor of Civil Law;—4. William Osgood, Esq.—5. William Walton, Esq.

Accompanied are these recommendations by certain *non-recommendations*. From those as to Tipstiffs, reference is made to ditto as to Marshal: and there it is, that, after stating (p. 172) that his profit arises chiefly out of two sources, of which (be it not forgotten) *the tap* is one—with this source before them it is that (after ringing the praises of it) another of their recommendations is—“that this matter be left in the hands of the court to which the prison more immediately belongs.” In plain English, of the Chief Justice, whose interest it is to maximize the profit in all manner of ways, and of whose emoluments they saw a vast portion, rising in proportion to the productiveness of *this* source. Throughout the whole of the Report, except for a purpose such as this, not the least symptom of thinking exhibited: “*fees taken so much, we recommend so much* :” such throughout is the product of the united genius of these five scholars of the school of Eldon.¹

See now, Mr. Peel, and in its genuine colors, this fresh fruit of the consistency of your consistent friend. See, in this rich fruit, the effect and character of his commission. Oppose now, Mr. Peel, if you have face for it; oppose now, Mr. Attorney-General, if you have face for it; oppose now, Mr. Attorney-General Copley—for neither must your name be covered up—the permitting of the House of Commons to exercise the functions of the House of Commons.

Oppose now, if you have face for it, “the dragging the Judges of the land” before the Catos whom you are addressing—the tribunal of Parliament. Fear no longer, Mr. Peel, if ever you feared before, the obtaining credence for your assurance—that it was by Lord Eldon his Majesty was advised to commission Lord Eldon to report on the conduct of Lord Eldon. Mr. Canning—you, who but two years ago—so light in the scale of sentimentalism is

¹ Report of the commissioners on the duties, salaries, and emoluments in Courts of Justice;—As to the Court of King's Bench, “Ordered by the House of Commons to be printed 14th May, 1818.”

public duty weighed against private friendship, (and such friendship!)—you, who so lately uttered the so solemn promise never to give a vote that should cast imputation on Lord Eldon, watch well, Sir, your time, and when, *these* imputations having come on, votes come to be given on them, repress then, if possible, your tears, and, wrapping yourself up in your agony, hurry out of the House.

§ XIII. *How the Chancellor went to Parliament, and got the Corruption established.*

The explosion has been seen. Blown by it into open air, was the scheme of taxing without Parliament, and in the teeth of Parliament. At the same time, a handle for denunciation was left prominent; and it has been seen how broad an one: a handle too, which some *Williams* or other might at any time lay hold of, and give trouble: the trouble which the driver of pigs has with his pigs—the trouble of collecting Honorable Gentlemen together, and whistling them in when the question is called for. Delay, therefore, was not now in season. Nov. 21, 1821, was the day on which the breach, as above, was made: a session did not pass without providing for the repair of it: the 10th of June, 1822, is the day on which the first stone was laid; and how thorough and complete the repair is, remains now to be shown. The hand of Parliament being the only applicable instrument, stooping at last to employ it could not but be more or less mortifying to a workman to whom, for so many years, it had been a foot-ball. But, to Lord Eldon, the part of the reed is not less familiar than that of the oak; and what was lost in universally applicable power will be seen gained in ease and tranquillity, reference had to this special and most valuable use of it.

Act 22, July 1822, 3 Geo. IV. c. 69. Title, “An Act to enable the Judges of the several Courts of Record at Westminster to make regulations respecting the fees of the Officers, Clerks, and Ministers of the said Courts.”

The preamble has been seen: business of it, skinning over the past illegality, section 6. Business of the first, empowering these same Judges to screw up to a maximum, and without stint, the accustomed fees: of the second, to add any number of new ones: of the third, making it to this effect, the special duty of all underlings to do whatever their masters please: of the fourth, anxiously easing them of the trouble of regulating Solicitors’ fees, forasmuch as nothing was to be got by it: of the fifth, providing, as has been and will be seen, for the concealment of the fees as before, should

more be to be got at any time by their being concealed than by their being known: of the sixth, which is the last, providing compensation for any the smallest fee, which, by accident, should happen to slip out: should any such misfortune ever happen, the losers are not only authorised, but "*required*," to tell "*his Majesty*" of it.

For every possible additional *duty*, an additional fee or batch of fees: Good. In § 14, or elsewhere, it will be seen how it is that, by multiplying such *duties* under the rose, equity pace, and equity cost, have been rendered what they are.

Every thing at "*discretion*:" (§ 1:) every thing as they "*shall see fit*:" (§ 1:) the people of England, all who have redress to seek for injury from without doors—all who have to defend themselves against any of those injuries of which these same Judges are the instruments—all who have to defend themselves against injuries, the seat of which is in the pretended seat of redress—all who have to defend themselves against the attacks of any of those villains with whom Lord Eldon has thus placed these Judges, together with himself, in partnership—all, all are thus delivered up bound, to be plundered in secret, without stint or control, by the hand of these same Judges. Never could more solicitude have been demonstrated: never more appropriate talent, as well as care; expended in satisfying it: so exquisite the work, the most exquisitely magnifying microscope might be challenged to bring to view a flaw in it. In the style of English legislation, it may be given as a model: as a study—for a young draughtsman, who, for sections a yard long, looks to be paid at so much a word. The same hand, which, had no better interest than the public's been to be provided for, would have left loop-holes, through which the entire substance of the measure might be extracted, has, in this its darling work, as if by an hermetic seal, closed all such crannies. Could this pamphlet have been made to hold it, I should have copied it, and pointed out the beauties of it. For comprehensiveness it has but one rival, and that is in the law called *Civil Law*. *Quod principi placuit legis habet vigorem*. For *principi*, put *judici*, you have the Act of *English law*—the Act of George the Fourth.

The enacting part could not be too clear of equivocation: and not a particle is to be found in it. The preamble presented an irresistible demand for equivocation; and here it is. Seen already (in § 5) has been this same preamble, with its essential word *effectually*. Note here the use of it: it is this. The more *effectually* to turn men's minds aside from the idea of the illegality, —causing them to suppose, that though nothing had been done but what was *legal*, strictly legal, yet, to give to what had been done its full effect, legal *machinery* in some shape or other was needed,

in addition to such as learned workmen stood already provided with: and that, to give existence to such additional machinery, was accordingly the object of the Act. Now, the fact is, that no such additional machinery does the Act provide or attempt to provide: not an atom of it. What it does, is—easing the hands of the criminals, of whatsoever check they felt applied by the consciousness of their so lately divulged criminality,—thus giving to them the undisturbed power of taxing the people for their own profit, without stint; and, for this purpose, rendering that power which had so long been arbitrary in *fact*, at length arbitrary by *law*.

Remains the clause about keeping the table of fees exposed to view. They are to be “kept hung up”—these tables of fees—“hung up in a *conspicuous part* of the” room. Good: and while there hung up, what will be the effect of them! The same as of those hung up in virtue of those former statutes of George II., with the King’s Bench Rule that followed them. The *place* they are hung up in, is to be a conspicuous one. Good: but the *characters?* of these nothing is said; so that here is a loop-hole ready made and provided.

In the above-mentioned case,¹ which produced the demand for this act, a document, referred to as a ground of the decision, is—a Rule of Court of Michaelmas Term, 3 Geo. II.² and “the Table of Fees settled in the following year.” In article 8, of the document intituled “Rules and Orders,” &c. mentioned in that same Rule of Court, which, without any title, is in Latin, in speaking of the Table of Fees, it is said, that it shall be “fairly written in a plain and legible hand.” With this clause lying before him—and he could not but have had it lying before him—with this clause lying before him it is, that the penner of this same Act of Lord Eldon’s contents himself with speaking about the *place*, and says nothing about the *hand*.

What the omission had for its cause, whether design or accident, judge, whosoever is free to judge, from the whole complexion of the business. Not that even in this same Rule of Court, with its “*fair and legible hand*,” there was any thing better than the semblance of honesty. Tables of Benefactors to Churches and Parishes—Tables of Turnpike Tolls—were they, even in *those* days, *written in a fair and legible hand?* No: they were painted in print hand, as they are still, in black and gold. But, if instead

¹ 1821. Barnewall and Alderson, vi. 266.

² See the book intituled “Rules, Orders, and Notices, in the Court of King’s Bench....to the 21 Geo. II. inclusive:” 2nd edit. 1747. Page not referable to, there being no paging in the book!

of *fair and legible*, the characters should come to be microscopic, and as illegible a scrawl as can be found—suppose in the grim-gribber hand called *Court hand*—a precedent of this sort will not be among the authorities to be set at nought: this will not be among the cases, in which, according to Lord Eldon's consistency, as per page 18, "It would be more consistent to suppose some ground appeared to former Judges, on which it" (the Act of Parliament, or the Rule of Court, or both) "might be rendered consistent with the practice"—meaning, with the practice carried on in violation of them.

Lord Eldon's Act, or *The Eldon Act*, should be the style and title of this Act. Precedent, *Lord Ellenborough's Act*,—so styled in a late vote paper of Honorable House:¹ Lord Ellenborough's Act, sole, but sufficient and characteristic, monument, of the legislative care, wisdom, and humanity of that Peer of Parliament, as well as Lord Chief Justice.²

As to the Chancellor's being the *primum mobile* of the Act,—only for form's sake, and to anticipate cavil, can proof in words be necessary. The Bill being a Money Bill, it could not make its first appearance in the House in which Lord Eldon rules these matters by his own hand. The Members, by whom it was brought into the only competent House, were the two Law Officers: and that, by these two official persons, any such Bill could, consistently either with usage or propriety, have been brought in otherwise than under the direction of the Head of the Law, will not be affirmed by any one. The Act, then, was LORD ELDON'S Act.

§ XIV. *How the Head of the Law, seeing Swindling at work, continued it, and took his profit out of it.*

Swindling is an intelligible word: it is used here for shortness, and because familiar to everybody. Look closely, and see whether, on this occasion, it is in any the slightest degree misapplied.

¹ May 17th, 1825.

² Note, that "*effectually*," as all *future* corruption is sanctioned, nothing is said of any that is *past*. If, in the situation in question, the word *responsibility* were anything better than a mockery, the fate of Lord Macclesfield—and on so much stronger grounds—would await Lord Eldon, his instruments, and accomplices. But, forasmuch as all such responsibility is a mere mockery, the only practical and practicable course would be—for some Member (Mr. John Williams, for example,) to move for a *Bill of Indemnity* for them: which motion, to prove the needlessness of it, would call forth another stream of Mr. Peel's eloquence: a reply might afford no bad occasion for Whig wigs, could a decent cloak be found for their departed saint.

By statute 30 Geo. II. c. 24. § 1 : “ *All persons who knowingly or designedly, by false pretence, or pretences, shall obtain from any person, or persons, money . . . with intent to cheat or defraud any person, or persons of the same, . . . shall be fined or imprisoned, or . . . be put in the pillory, or publicly whipped, or transported . . . for . . . seven years.*”¹

1. *All persons*, says the Act. If then a *Master in Chancery*, so comporting himself as above, is not a person, he is not a *swindler* : if he is a person, he is.

2. And so, in the case of a *Commissioner of Bankrupts*, if any one there be who has so comported himself.

3. So likewise in the case of any other functionary, holding an office under Lord Eldon.

4. So likewise in the case of every *Barrister*, practising in any of the Courts in or over which Lord Eldon is judge : in the case of every such *Barrister*, if so comporting himself.

5. Add every *Solicitor*.

If, however, it is true, as indicated in the samples given in § 2, that in the case of the *Solicitor*, in respect of what he does in this way, he is, by the subordinate Judge (the aforesaid *Master*) not only to a great extent *allowed*, but at the same time to a certain extent *compelled*,—here, in his case, is no inconsiderable alleviation : in the guilt of the official, that of the non-official malefactors is eclipsed, and in a manner swallowed up and drowned.

So far as regards *Masters in Chancery*, to judge whether, among those same subordinate judges under Lord Eldon, there be any such person as a *swindler*, and if so, what number of such persons, see the sample given in § 2.

Same question as to *Commissioners of Bankrupts*, concerning whom, except as follows, it has not as yet been my fortune to meet with any indications. Lists of these *Commissioners*, 14 : in each list, 5 : all creatures, all removable creatures—accordingly, all so many virtual pensioners during pleasure—of Lord Eldon. Further subject of inquiry, whether these groupings likewise be, or be not, so many gangs of his learned swindlers.

¹ Let it not be said, that to come within this Act it is necessary a man should have proposed to himself the pleasure of being, or of being called, a *cheat* : the man the Act means, if it means any man, is he who, on obtaining the money by any false pretence, intends to convert it to his own use. Instead of the words *cheat* and *defraud*, words which,—and not the less for being so familiar—require a definition, better would it have been, if a definition such as the above had been employed. But logic is an utter stranger to the Statute-book, and without any such help from it as is here endeavored to be given, the Act has been constantly receiving the above interpretation in practice.

Indication from the Morning Chronicle, Friday, April 15, 1825 :

At a Common Council, Thursday, April 14, Information given by Mr. *Favel*. Appointment made by list 2 of these Commissioners, for proof of debts in a certain case : hour appointed, that from 12 to 1 : Commissioners named in the instrument of appointment, Messrs. *Glynn*, *Whitmore*, and Mr. M. P. *Horace Twiss*. Attendance by Mr. *Glynn*, none : by Mr. *Whitmore*, as little : consequence, nothing done : by Mr. *Horace Twiss*, an hour and a half after the commencement of the appointed time, half an hour after the termination of it, a call made at the place. Had he even been in attendance from the commencement of the time, instead of stepping in half an hour after the termination of it, still, Commissioners more than one not being present, no business could (it seems) have been done. To what purpose, then, came he when he did, unless it was to make a title to the attendance fee ? Moreover, for this *non-attendance* of theirs, Messrs. *Glynn* and *Whitmore*, have they received their *attendance* fees ? If so, let them prove, if they can, that they are not swindlers. Mr. *Horace Twiss*, who does not attend any part of the time, but steps in half an hour after, when his coming cannot answer the purpose, has *he* received for that day any attendance fee ? If so, then comes the same task for him to perform. Mr. *Favel's* candor supposes some excuse may be made for Mr. *Twiss* : if so, a very lame one it will be. An option he should have had to make, is, to do his duty as a Commissioner of Bankrupts, and not be a Member of Parliament, or do his duty as a Member of Parliament (oh, ridiculous !) and not be a Commissioner of Bankrupts :—a Commissioner of Bankrupts, and, as such, one of Lord Eldon's pensioners. Convinced by his commissionership of the immaculateness of his patron, Commissioner makes a speech for patron, much, no doubt, to the satisfaction of both. Should a Committee be appointed to inquire into Chancery practice, there Mr. Peel, there, in Mr. *Twiss*, you have a *Chairman* for it.

Meantime, suppose, for argument sake, Mr. *Twiss* comporting himself in any such manner as to give just cause of complaint against him—be the case ever so serious—to what person, who had any command over his temper, would it appear worth while to make any such complaint ? To judge whether it would, let him put the question to Mr. *Lowe*, as per § 10.

These men—or some (and which ?) of them—being so many swindlers,—he who, *knowing* them to be so, *protects* them in such their *practices*, and shares with them—with all of them—in their *profits*, what is *he* ? Is not he too either a *swindler*, or if distin-

guishable, something still worse? If, with strict grammatical or legal propriety, he cannot be denominated a receiver of *stolen* goods,—still, the *relation* borne by him to these swindlers, is it not *exactly* that which the *receiver* of stolen goods bears to the *thief*? *Masters in Chancery*, 10: *Commissioners of Bankrupts*, 90; together, 100; and, upon the booty made by every one of them, if any, who is a swindler, does this receiver of a portion of their respective gains make his profit: these same swindlers, every one of them, made by him what they are.—Stop! Between the two sorts of receivers,—the thief-breeding and the swindler-breeding receivers,—one difference, it is true, there is. The *thief-breeder*, though, in] so far as in his power, he gives *concealment* to his confederates, he does not, because he cannot, give them *impunity*: whereas, the *swindler-breeding* receiver, seeing that he can, gives both.

Masters in Chancery—creatures of this same creator, almost all, if not all of them—is there so much as one of them who is not a swindler? an habitual swindler? Say no, if you can, Lord Eldon! Say no, if you can, Mr. Secretary Peel! Deny, if you can, that your Mentor is in partnership with all these swindlers. Deny it, if you can, that, out of those who have accepted from him the appointment of reporting him blameless, two are of the number of these same swindlers!

“Oh! but,” by one of his hundred mouth-pieces, cries Lord Eldon, “nothing has he ever known of all this: nothing, except in those instances in which his just displeasure at it has well been manifested. Wherever there be that is amiss, never has been wanting the desire to rectify it—the anxious desire. . . . But the task! think what a task! think too of the leisure, the quantity of leisure necessary! necessary, and to a man who knows not what it is to have leisure! Then the wisdom! the consummate wisdom! the recondite, the boundless learning! Alas! what more easy than for the malevolent and the foolish to bespatter with their slaver the virtuous and the wise!”

Not know of it indeed? Oh hypocrisy! hypocrisy! The keeper of a house of ill fame . . . to support an indictment against him, is it necessary that everything done in his house should have been done in his actual presence? Ask any barrister, or rather ask any solicitor, whose retirement has saved from the Chancellor's prospect-destroying power—ask him, whether it be in the nature of the case, that of all the modes in which depredation has been practising in any of his courts, there should have been so much as one, that can ever have been a secret to him?

No time for it, indeed! Of the particular *time* and *words*, employed by him in talking backwards and forwards, in addition

to the already so elaborately-organised general mass, as if to make delay and pretences for it, a thousandth—a ten thousandth part—would have served an honest man anywhere for a reform : a reform, which, how far soever from complete, would suffice for striking off two-thirds of the existing mass, and who can say how much more ?

Have you any doubt of this, Mr. Peel?—accept then a few samples.

1. Reform the first. (Directed to the proper person.). *Order* in these words. *Charge for no more days than you attend.* Number of words, eight. At the Master's office off go two-thirds of the whole delay, and with it of the expense.

2. Reform the second. *Test.* *On every attendance-day attend ten hours.* *Paraphrase.* Attend these ten, instead of the five, four, or three, on which you attend now. For your emolument, with the vast power attached to it, give the attendance which so many thousand other official persons would rejoice to give for a twentieth part of it.

3. A third reform. *In the year there are twelve months : serve in every one of them. Months excepted for vacation, those in which no wrong that requires redress is practised anywhere.*

4. A fourth reform. You are one person : any clerk of your's, another. The business of any clerk of yours is to serve *with* you, not *for* you. Serving by another is not serving, but swindling.

Small as is the number of words in the above proposed Orders, any body may see how many more of them there are than are strictly needful to the purpose of directing what it is desired shall be done.

Numerous are the reforms that might be added : all of them thus simple ; many of them still more concisely expressible.

Oh, but the *learning* necessary ! the recondite lore ! fruit of mother Blackstone's twice twenty years' lucubrations ! Learning indeed ! Of all the reforms that have been seen, is there a single one that would require more learning than is possessed by his lordship's housekeeper, if he has one, or any one of his housemaids ?

Wisdom necessary for anything of all this ? Oh hypocrites ! nothing but the most common of all common honesty.

Of those whom, because unsuccessful, poor, and powerless, men are in the habit of calling *swindlers*, the seat—that of many of them at least—is in the *hulks* : of those hereby supposed swindlers, whom, because rich and powerful, no man till now has ever called *swindlers*—the seat—the seat of *ten* of them at least—is in the *House of Lords*. As between the one class and the other, would you know in which, when the *principle of legitimacy*.

has given way to the *greatest happiness principle*, public indignation will press with severest weight? Set them against one another in the balance.

1. *Quantity of mischief* produced? is that among the articles to be put into the scale?

Nothing, in comparison, the mischief of the second order:—nothing the *alarm* produced by the offence of him whose seat is in the *hulks*. Against all such offences, each man bears what, in his own estimation, is little less than an adequate security—his own prudence: a circumstance by which the *swindler* is distinguished, to his advantage, from the *thief*. No man can, for a moment, so much as fancy himself secure against the hand of the swindler, if any such there be, whose seat is in the *House of Lords*. United in that irresistible hand, are the powers of fraud and force. Force is the power applied to the victim; fraud, the power applied to the mind of the public; applied as, with but too much success, it has been hitherto, to the purpose of engaging it to look on unmoved, while *depredation*, in one of its most shameless shapes, is exercised under the name of *justice*.

2. *Premeditatedness*—is it not in possession of being regarded as operating in extenuation of moral guilt? *deliberateness*, as an aggravation? *deliberateness*, does it not, in case of homicide, make to the offender the difference between death and life, under the laws of blood so dear to Honorable Gentlemen—Noble Lords, and Learned Judges? Of those swindlers, whose seat is in the *hulks*, how many may there not be, whose delinquency may have been the result of a hasty thought begotten by the craving of the moment? Answer and then say—of the swindler, if any such there be, whose seat is in the House of Lords, the offence is it not the *deliberate*, the *regularly repeated*, the *daily* repeated, the *authentically recorded* practice?

3. *Quantity of profit* made—is that among the circumstances that influence the magnitude of the crime? For every penny made by the swindler whose seat is in the *hulks*, the swindler, if any, whose seat is in the *House of Lords*, makes 6s. 8d. six-and-eight-pence? aye, six-and-eight-pences in multitudes.

4. *Indigence*—is it not in possession of being regarded as operating in extenuation of moral guilt? all have it of those whose seat is in the *hulks*. No such extenuation, but on the contrary, the opposite aggravation have they, if any, whose seat is in the *House of Lords*.

5. *Uneducatedness*—is it not in possession of being regarded as operating in extenuation of moral guilt? Goodness of education, or, at least, the means of it, as an aggravation? The extenuation, you have in the case of those whose seat is in the *hulks*: the

aggravation, in the case of those, if any, whose seat is in the *House of Lords*.

6. *Multitude of the offenders*—does *that* obliterate the crime? Go then to the hulks and fetch the swindlers who serve *there*, to sit with their fellows, if such there be, who serve in the *House of Lords*.

7. *Long continuance* of the practice—is it in the nature of that circumstance to obliterate the crime? Much longer have there been swindlers out of the Master's office than there can have been in it. The earliest on record are those who “spoiled the Egyptians:” but with them it was all pure fraud: no force was added to it.

Learning—appropriate learning—of demand for this endowment, assuredly there is no want: and not only for this, which every lawyer speaks of, but for original and originating genius—an endowment which no lawyer ever speaks of. Adding to the mass in the *Augean Stable*, every ox had wisdom enough for: every ox that ever was put into it: to employ a river in the cleansing of it, required, not the *muscle*, but the *genius* of a Hercules.

Wisdom? Yes, indeed: but of what sort? Not that which is identical with, but that which is opposite to, Lord Eldon's. Years spent in the pursuit of those which we have seen to be the *actual ends of judicature*, four and twenty. True: but by every year thus spent, a man will have been rendered, not the more, but so much the less apt, for pursuing the *ends of justice*. Lord Eldon serve the ends of justice? He knows not even what they are. Ask him what they are—at the end of half an hour employed in talking backwards and forwards, he will conclude with his speech in *Ex-parte Leicester*, and the passage that has been seen in it. Ask what are the ends of justice?—Thirty paces are more than I need go, to see boys in number, any one of whom, when the question had found him mute, or worse than mute, could answer and take his place.

Yes: in that man, in whom the will has been vitiated as his has been, the understanding—sure as death—has been vitiated along with it. Should a pericranium such as his ever meet the hand or eye of a Gall or a Spurtzheim, they will find the organ of justice obliterated, and the organ of *chicane*,—a *process* from their organ of *theft* grown up in the place of it.¹

¹ How to grant licence under the guise of censure:

Extract from the Examiner, Nov. 7, 1824:

“*The Six Clerks*.—In the Court of Chancery, on Monday, the following conversation occurred. An affidavit having been handed to the Lord

If I misrepollect not, this section has been referred to for something to be said, as to the profit capable of being derived from the source here spoken of: if so, the reader's indulgence must be trusted to for a respite, till the intire of the Judges' Salary-raising measure has been found ripe for a view to be taken of it.

§ XV. *How King George's Judges improved upon the precedent set by King Charles's, in the case of Ship-money. See above, § 9.*

The improvement was an altogether simple one. The pocket, which received the produce of the tax imposed by King Charles's judges, was the King's. The pocket, which received and receives the produce of the tax imposed by King George's judges, was and is their own.

Now for consistency—now for the use of this same principle as a precedent: a precedent set, and with this improvement, in

Chancellor, his Lordship asked, 'What is the meaning of "Agent to a Six-Clerk," which I see there? What is his business?'—Mr. Hart's client stated, that the Agent was a person who manages the business for a Six-Clerk.—Lord Chancellor: 'And what does the Six-Clerk himself?'—Solicitor: 'Attends the Master.'—Lord Chancellor: 'Then he is intirely out of the business of his own office: he does nothing in it?'—Solicitor: 'Nothing, my Lord.'—The Lord Chancellor (after a pause): 'When I came into this Court, the Six-Clerks were the most efficient Solicitors in the Court of Chancery. Some of the most eminent Solicitors were Clerks of that class, and used to transact their business, and draw up minutes with such ability, that we had few or no motions to vary minutes. But now the Six-Clerk abandons his business to a person who knows nothing at all about it. 'Tis no wonder then that delays have crept into the practice, which we formerly knew nothing of. However, before it proceeds further, I'll take care that Solicitors in this Court shall be obliged to transact their business in person.'

'When I came into this Court:' that is to say, 'four-and-twenty years ago. Good, my Lord, and where have you been ever since? Incessant have been such threats: constant the execution of them with the same punctuality as in this case. What Solicitor, what Barrister, is there, that does not understand this? Who that does not know, that, where official depredation is concerned, what in English is a threat, is in Eldonish a licence?'

When as per sample in § 2, page 7, 700*l.* was exacted in reduction of a demand of we know not how much more, for office copies of a Particular of Sale—office copies for which there was as much need, as for those which, according to the story, were once taken of the Bible—on that occasion was there any of this vapouring? Silent as a mouse was this Aristides, who could not endure the existence of the harmless Agent, whose agency consisted in looking over the books, to see that his employers, the Six-Drones, were not defrauded of the per centage due to them from the labors of the Sixty working-bees. But this summer-up of six-and-eightpences was an intruder. Lord Eldon's patronage was not increased by him, while official secrets were open to him. Such was his offence.

the seats and sources of what is called justice, and thence offered to the adoption of the other departments. But what applies to this purpose will be better understood when the consummation given to the system by the pending measure comes to be brought to view.

What *they* did, they contented themselves with doing, as it were, by the *side* of Parliament: giving indeed their sanction to the operations of an authority acting without Parliament,—but not, of their own authority, taking on themselves to obstruct and frustrate the operations of Parliament. Never did *they* levy war against the authority of Parliament. Never did *they* make known by express terms, that whatever Parliament had ordained should, as they pleased, go for anything or for nothing. Never did they adjourn obedience *sine die*. Never did they say—“*A practice having prevailed . . . contrary to an Act of Parliament . . . it would be better to correct it in future, not in that particular instance.*”¹

§ XVI. *How to be consistent, and complete the Application of the Self-serving Principle.*

Now as to consistency. You, Lord Eldon, you who practice consistency,—you, Mr. Peel, you who admire it,—go on as you have begun. Assisted by your official instruments, you have planted in the statute-book, after having established it in practice, the self-serving, the self-corrupting, the self-gorging principle. You have rooted it in one department: plant off-sets from it in the others. You have covered with it the field of justice: go on with it, and cover with it the field of force.

Repair, in the first place, the ravage so lately made by the fabled dry-rot; that dry-rot which, not content with timber, rotted the china and the glasses. Give to the Duke of York the power of settling the pay of his subordinates, and levying, by his own order, the amount of it....What! do you hesitate? Not to speak of loyalty, all pretence then to consistency is at an end with you. Dignity is, in your creed, the one thing needful: your judges are brimful of it, at least if it be in the power of gold to make them so. So far, “every-thing is as it should be.” But the Commander-in-chief—not to speak of the Heir to the Crown—has he not, in his situation, demand enough for plenitude of dignity? And, foras-much as, in your mathematics, Mr. Robinson—applied to administration of justice, aptitude is *as* dignity,²—say, if you can, how

¹ Lord Eldon, in vi. Vesey, jun. p. 433, as above, p.

² In Mr. Robinson's speech of 16th May, 1825, as per *Globe and Traveller*

the same proposition should fail when applied to the still more dignified function of wielding military force?

Apply it next to the Navy. For the benefit of Lord Melville and his Croker, give legality to ship-money, as, for the benefit of Lord Eldon and his Abbott, you have given it to extortion and denial of justice. Legalising that mode of supply, now in the 19th century, you will add to it the improvements you have found for it in your own genius and your own age. You will not, as did the creatures of Charles I. make the *faux pas* of putting the produce into the King's pocket. No; you will remember what that experiment cost his Majesty's predecessor. You will, if you can get leave of envy,—you will put it into the pockets of Lord Melville, Mr. Croker, and their friends, and thus, in the navy department likewise, “will everything be as it should be.”

Rhetoric and fallacy all this (says somebody). Fallacy?—Not it, indeed: nothing but the plainest common sense. Suffer not *yourself* to be blinded by one of those fallacies which timidity and self-distrust are so ready to oppose to indisputable truth. Say not to yourself, *all this is strong, therefore none of it is true.*

What *I do not say* is that, in the two supposed cases, the *mischiefs* of the application is as great as in the real one.

What *I do say* is, that the *principle* would not be *different*.—The principle different? no: nor the course taken more palpably *indefensible*.

§ XVII. How Lord Eldon planned and established, by Act of Parliament, a Joint-Stock Company, composed of the Westminster Hall Chiefs, and dishonest Men of all Classes.

In general, Joint-stock Companies are no favorites with Lord Eldon; but general rules have their exceptions.

That between dishonest men of all classes, Judges taking payment to themselves out of a fund common to both, the strictest community of interest has place, has been proved, if any thing was ever proved, over and over. A tax, into what pocket soever the money goes, cannot be imposed on *judicial pursuit*, but, to all who cannot advance the money, justice is denied, and all those who fail

of the next day, no less than *ten times* (for they have been counted) was this *ratio* assumed in the character of a *postulate*: assumed by the Finance Master, and by his scholars, *nemine contradicente*, acknowledged in that character: every one of them, for self, sons, daughters' husbands, or other *et ceteras*, panting, even as the hart panteth after the water-brooks, for the benefit of it. Number of repetitions, *ten* exactly: for Mr. Robinson had not forgot his Horace—with his *decus repetitu placebunt*.

to do what has thus been rendered impossible to them, are delivered over to injury in all shapes, at the hands of all persons who are dishonest enough to take advantage of the licence so held out. A tax, into what pocket soever the money goes, cannot be imposed on the necessary means of *judicial defence*, but it offers, to all who can advance the money, and are dishonest enough to accept the offer, an instrument, wherewith, by the power of the Judges, yet without their appearing to know anything of the use thus made of it, injury, in almost every imaginable shape, may be inflicted,—inflicted with certainty and impunity, and the correspondent sinister profit reaped, at the charge of all those who are not able to purchase the use of that same instrument for their defence. Thus, in so far as the produce of the exaction goes into the Judge's pocket, the interest of the dishonest man cannot, in either of those his situations, as above, be served, but the interest of the Judge is served along with it.

Of a partnership contract, whatever else be among its objects, one object, as well as effect, is the establishing a community of interest between the several members: and, if the persons acting so described are not dishonest; and if, between them and the Judge in question, a community of interest is not formed; let any one say who thinks he can, in what more indisputable way it is in the power of man to be dishonest; and whether, between such a set of men and a set of dishonest Judges, it would be possible for a community of sinister interest to be formed.

Not less difficult will it be found to say, how any man, Judge or not Judge, can fail to be dishonest, who, receiving money in proportion, consents, and with his eyes open, to the habitual promotion and production of injury in all imaginable shapes, in both or either of the situations described as above.

True it is that, in general, Joint-stock Companies, any at least that can be named on the same day with this for magnitude, have not been formed without a *charter*: and that, on the occasion here in question, no charter has been employed. Not less true is it, that in the establishment of other Joint-stock Companies, the power of Parliament has been employed; and that, in the establishment of the Joint-stock Company in question, that hand, so superior to all morality, has, in the manner shown in § 13, most diligently and effectually been employed. In the concession of a charter, the hand of the Chancellor is regularly employed: and, in the passing of the Acts of Parliament in question, it has been shown, how that same learned hand has not been less primarily and effectually employed.

Such being the *partnership*, now as to the terms of it. A species of partnership as well known as any other is:—A. finds

money; B. skill and labor. Of the partnership here in question, such are the terms.

Head of the firm, beyond all dispute, Lord Eldon. Found by him, in by far the greatest abundance, skill, labor, power, and example. Looked for by him, and received accordingly, profit in correspondent abundance. Behold then, the firm of Eldon and Co. By what other name can the firm, with any tolerable degree of propriety, be denominated?

Apprised of the existence of this partnership, *Judge and Co.* is the denomination, by which, for I forget what length of time—some thirty or forty years probably—in print as well as in conversation, I have been in the habit of designating it: not a pen, not a voice having ever raised itself to controvert this undeniable truth. But, though established by intrinsic power—by that power which is so much in the habit of setting at naught that of Parliament—never till Lord Eldon stood up, and with so much ease carried the matter through as above, was this *Coryphæus* of Joint-stock Companies established by an express Act of Parliament.

One all-embracing and undeniable truth, when the public mind is sufficiently familiarised with it, will remove doubts and difficulties in abundance; it will serve as a key to every thing, that, in this country, has ever been done in the field of judicial procedure. From the Norman conquest down to the present time, diametrically opposite to the ends of justice, have been the actual ends of judicature: judicial establishment and judicial procedure included, but more especially judicial procedure. Paid, as Judges have been, by fees,—paid by taxes, the produce of which has all along been liable to be augmented, and been augmented accordingly by themselves, at no time could the system have been in any better state. Suppose that in those their situations, and *that* in the most barbarous times, Judges would have for the end of action the happiness of suitors?—As well might you suppose that it is for the happiness of negroes that planters have all along been flogging negroes; for the good of Hindoos that the Leadenhall Street Proprietors have all along been squeezing and excoriating the sixty or a hundred millions of Hindoos.

§ XVIII. *How the King's Chancellor exercised a dispensing Power.*

To those who have read §§ 9 and 10 or § 9 alone, this can be no news. But of the nature and magnitude of the dispensing power thus assumed and exercised by Lord Eldon, conception may be helped by a few words more.

James the Second and his advisers operated openly and rashly. Prerogative in hand, they ran a-tilt against Parliament law. Lord Eldon was Lord Eldon. In a cause of no expectation, out of sight of all *lay-gents*,—out of sight of all men but his co-partners in the firm, of which he is the head; he laid down the fundamental principle. When, under a so unexpected opposition, his good humor, habitual and pre-eminent as it is, forgot itself for awhile,—not so his prudence. Taking instruction from the adversary, he made a full stop: nor, till the impediment ceased, could he be made to move a step, by all the importunity we have seen employed, in the endeavor to urge him on towards the consummation of his own schemes.

Still out of the sight of *lay-gents*, when on the cessation of the interregnum, he remounted the throne, and, like Louis XVIII. reaped the benefit of whatever had been done for the consolidation of it by the usurper,—the obstructor, persevering as we have seen him, being for the time dispirited by the rebuff received from Lord Erskine, under the tuition of the learned Jack-of-both sides,—still, he imposed not any fresh tax, contenting himself with increasing—in the manner and to the extent, samples of which have been seen in § 2—the produce of those he found established. Nor was this the whole of his labor or of his success: for we have seen how (still out of sight of *lay-gents*) at times and in ways altogether invisible to unlearned eyes (at what tables and over what bottles, must be left to imagination) he had succeeded in completely impregnating his Westminster Hall creatures, and, in their several Judicatories, giving complete establishment to his plan, as well in principle as in practice.

Then again, when another unexpectable mishap befel him, and the webs, which the united strength of so many learned spiders had, for such a length of time, been employed in weaving, were broken through and demolished altogether by the irruption of one poor hunted fly,—even this shock, severe as it could not but be, did not make him relinquish his high purpose. Bold, where boldness was requisite, pliant where pliancy, all the sacrifice it brought him to was—the accepting from Parliament, and that too with improvement, the consummation of the ambitious and rapacious plan, at the commencement of which the nature of the case had obliged him to act, though with all prudent and practicable secrecy, against Parliament.

Thus much as to the *mode*—now as to *effect*: and the *extent* given to it. *James the Second*, with his dispensing power, placed a catholic priest in the Privy Council, and a catholic or no less obsequious protestant fellow, in an Oxford college. *John the Second* gave the dispensing power not only to himself but to all

his underlings, covering thus, with a so much more profitable power, the whole field of judicature.

§ XIX. *Character Evidence.*

Against specific indications such as these, Honorable House and the Old Bailey receive a sort of evidence, which is neither quite so easily obtained, nor quite so efficient when obtained, in the Old Bailey as in Honorable House. It may be called, and, for aught I know, is called, *character evidence*. *Quantity*, in pretty exact proportion to that of the hope and fear, of which he, who is the subject of it, is the object. *Quality*, determined by the same causes. *Colors*, two—white and black:

But for my old friend Mr. Butler, no such evidence as this would have been offered—no such section as this have been written. Nor yet, if in the laud heaped up by him on Lord Eldon, he had contented himself with using his own hand. But the hand, to which he has assigned this task, is the hand of Romilly: that confidence-commanding and uncontradictable hand, which for this purpose, resurrection-man like, he has ravished from the tomb.

Having, in the course of between thirty and forty years' intimacy, been in the habit of hearing sentiments of so widely different a tendency, on every occasion, delivered in relation to this same person,—silence, on an occasion such as the present, would have been so little distinguishable from assent, that I could not sit easy without defending myself against what might otherwise have appeared a contradiction, given to me by my departed and ever-lamented friend.

In relation to Lord Eldon, I have no doubt of Romilly's having used language, which, at a distance of time, and for want of sufficient discrimination, might naturally and sincerely enough, by a not unwilling hand, have been improved into a sort of panegyric thus put into his mouth. But, by the simple omission of one part of it, the strictest truth may have the effect of falsehood.

With a transcript of the panegyric in question, or of any part of it, I will not swell these already too full pages. Suffice it to mention my sincere wish, that it may be compared with what here follows.

By my living friend,—my departed friend, I have reason to think, was never seen but in a mixed company: assured I well am, and by the declaration of my departed friend, that between them

there was no intimacy. Between my departed friend and myself, confidence was mutual and intire.

Romilly was among the earliest, and, for a time, the only efficient one of my disciples.¹

To Romilly, with that secrecy which prudence dictated, my works, such as they are, were from first to last a text-book: the sort of light in which I was viewed by him, was, in Honorable House, in his own presence, on an ever memorable occasion, attested by our common friend, Mr. Brougham.²

Not a *reformatuncle* of his (as *Hartley* would have called it) did Romilly ever bring forward, that he had not first brought to me, and comred over with me. One of them—that in which Paley's love of arbitrary power was laid open—was borrowed from my spiders, under whose covering they may still be found. The project so successfully opposed by Lord Eldon's Sir William Grant—the endeavor to prevail on Honorable Gentlemen to divest themselves of the power of swindling in their individual capacities,—was, to both of us, a favorite one. Nothing of this sort could ever come on the carpet, but the character of Lord Eldon came of necessity along with it: a few lines will give the substance of volumes. The determinate opposer of everything good; the zealous, able, and indefatigable supporter of everything evil, from which, to the ruling one or the ruling few, reputed good, in any the smallest quantity, at the expense of the many, appeared derivable.

"Well! and what chance do you see of the evil genius's suffering it to pass?" This, on one part was the constant question. "Why.... just now things are so and so:" stating, or alluding to, some hold, which, at the moment, he thought he might have on Lord Eldon. A favorable circumstance was—that, though regarding the M. P. with the eye with which he could not but regard one of the most troublesome of his political opponents,—the Chancellor—such, in his estimation, was the legal knowledge and judgment of Romilly—was in the habit of paying to the arguments of this advocate not less, but even more, deference, than, in the eyes of the profession, was always consistent with justice; so at least I have heard, over and over again, from various professional men. In Romilly's acquirements and character he

¹ He was brought to me by my earliest—the late *George Wilson*, who, after leading the Norfolk Circuit for some years, retired with silk on his back to his native Scotland.

² Hansard's House of Commons Debates, 2nd June, 1818: "He (Mr. Brougham) agreed with his hon. friend, the member for Arundel, Sir S. Romilly, who looked up to Mr. Bentham with the almost filial reverence of a pupil for his tutor."

beheld a leaning-stock, the value of which he knew how to appreciate.

Now for the like, through channels less exposed to suspicion:

"The state of the Court of Chancery is such, that it is the disgrace of a civilised society." These are the words furnished me, in writing, by a friend, as among the very words used by Romilly, but a few months before his death, in a mixed company. It was at a *place* which, for several days of his last autumn (a *place* I occupied in Devonshire), afforded to the relator various free conversations, besides those at which I was present.—General result:—"Lord Eldon himself the cause of many of the abuses; of the greater part of the others, the remedy always in his own hands."

"If there is a hell, the Court of Chancery is hell." Words these, given as the very words uttered by Lord Erskine but a few weeks before his death, in conversation with another person, from whom I have them under his own hand.

Both relators most extensively known, and not more known than trusted. On any adequate occasion, both papers should be visible.

Judex à non judicando, ut lucus à non lucendo, the sort of service of all others for which Lord Eldon is not only most eminently but most notoriously unfit,¹ is the very service for the performance

¹ I would willingly have said *most unfit*, but Truth, as will be seen, forbids me.

Saul and Jonathan were Lord Eldon and Lord Redesdale. Lord Eldon, Attorney-General; Lord Redesdale, Solicitor-General: Chancellors—Lord Eldon, of England; Lord Redesdale, of Ireland. Scholars of the school of Fabius, but with one difference:—by the Roman cunctation, everything was perfected; by the English and Irish, marred.

The London laid a wager with the Dublin Chancellor, which should, in a given time, do least business. Dublin beat London hollow.

Witness, Earl Grey,—in those days Lord Howick.*

"When he" (Mr. Ponsonby) "succeeded to the office," (succeeded to Lord Redesdale) "the Chancery Court of Dublin was in arrears for six years of notices, for six hundred motions, and for four hundred and twenty-seven causes: when he" (Mr. Ponsonby,) "quitted office, he had got under all the notices and motions, and had brought down the causes to two hundred, besides going through the current business. Had he remained in office a few months longer, not a single cause would have been left undetermined."

This single incident speaks volumes: it paints *matchless constitution* to the life. Take two traits, out of more.

1. Profundity and universality of the contempt of human happiness and justice, in the breasts of the ruling and would-be-ruling few.

During the whole six years, during which Lord Redesdale, with his

* Cobbett's Debates, ix. 731. July 3, 1807. House of Commons. *Pensions to Chancellors*. From the Speech of Lord Howick, now Earl Grey.

of which his unexampled power may have been originally placed, but if pretended, so falsely pretended, to be still kept in his hand.

This being premised, and admission made of the facility with which, for purposes such as have been brought to view, he can wrap his misery-breeding meaning up in clouds, such as while transparent to accomplices and natural allies, shall be opaque to all destined victims,—I must, for shortness, refer my readers to Mr. Butler's panegyric. Sending them to a work which has already had ten times as many readers as any of mine can look to have, I secure myself against the consciousness of injustice, and, I hope, from the reproach of it.

I will advance further in my approach to meet him.

On any of those nice points on which, expectation being equally strong and sincere on both sides, the difference between right and wrong being scarce discernible, decisions, were it not for appearances, might, with as little prejudice to the sense of security, be

unfitness, staring him and everybody in the face, was paralysing justice and manufacturing misery by wholesale—not only his creator silent, but every member of the *Aristocracy* on both sides, in Ireland as well as in England. Down to this moment, never would anybody have heard of it, but for a personal squabble about Mr. *Ponsonby*, and a clause in his pension of retreat.

Mr. Ponsonby, with his matchless, and, but for admission, incredible aptitude,—turned out in Ireland! Lord Eldon, after his six years' perpetually demonstrated inaptitude, restored, and continued with continually increasing influence!

As to *delay*, think from hence, whether, though in that, as well as all other shapes, abuse runs through every vein in the system—think whether, of that delay which drew forth the *present* complaints, there was any other cause than the difference, in point of dispatch, between this one man and every other; and whether, while this one man is where he is, deliverance from evil in that shape, any more than in any other, be possible.

Henceforward, in Honorable House, or in Right Honorable House,—on the one side, or on the other,—should any man have the hardihood to stand up and declare, that, on either side there is any more real regard for justice there than in the bulks—or in men's breasts any more sympathy for the sufferings of the people than in the cook's for the eels she is skinning—tell him of this!

2. Double-bodied monster, Head Judge and Head Party-man, back to back: fitter to be kept constantly in spirits in an anatomy school, than one hour in the Cabinet and the next hour on the Bench. Behold in this emblem one of the consequences of having one and the same man to sit as sole highest Judge, with all the property of the Kingdom at his disposal, and in the Cabinet to act as chief organiser of intrigues, and moderator of squabbles about power, money, and patronage: the Cabinet situation being the paramount one,—the most transcendent aptitude for the judicial situation cannot keep him in it, the most completely demonstrated inaptitude remove him out of it! This, under matchless constitution,

committed to lot, as to reflection holding the scales of justice,—on any of those sources of doubt and display, which, in any tolerable system of legislature-made law, a line or two, or a word or two, would have dried up—Lord Eldon, at the expense of years, where another man would have taken days, has given to the amateurs of difficulty a degree of satisfaction beyond what any other man could have given to them: to them, satisfaction; to himself, reputation—instrument of power applicable to all purposes. This, by the having stocked his memory with a larger mass than perhaps any other man (Romilly possibly excepted) of the cases known to have sprung up within the field of Equity,—and the having also enabled himself, with correspondent facility, to make application of them to the purpose of each moment, whatsoever be that purpose, whether it be to lead aright, to mislead, or to puzzle and put to a stand, himself or others.

So much for intellectuals: now for morals. Beyond all controversy,—recognised not less readily by adversaries than by dependents, one politico-judicial virtue his lordship has,—which, in his noble and learned bosom, has swelled to so vast a magnitude, that, like Aaron's serpent-rod, it shows as if it had swallowed up all the rest. In the public recognition of it, trembling complaint seeks an emollient for vengeance; decorous and just satire, a mask. After stabbing the *Master of the Abuses* through and through with facts, Mr. Vizard takes in hand the name of this virtue—and, *innuendo*, this is the only one that can be found, lays it like a piece of goldbeater's skin on the wounds. That which

under which the most loudly trumpeted tune is—the *Independence of the Judges*.

Practical lesson. Never by any other means than the making the ruling few *uneasy*, can the oppressed many obtain a particle of relief. Never out of mind should be the parable of the *Unjust Judge*.

Such was the *alter idem* appointed by Lord Eldon to sit with *idem* and report the non-existence of delay, together with the most effectual means of removing it.

Keeping Falstaff in his eye,—inefficient myself, I am the cause (said Lord Eldon to himself) that inefficiency is in other men. In Dublin my foil, in London my Mitford shall be at the head of my securities, that nothing shall be done, in the Commission, which with my disciple Peel, to laud and defend me,—I will establish for that purpose.

As to Lord Redesdale, digression on digression as it is, candor and sympathy compel the mention—he, like Mr. Peel, has committed one act of rebellion against his creator: he, too, has made one departure from *consistency*. Mr. Peel's is the *Special Jury Act*: Lord Redesdale's, the *Insolvency Act*.—Should the day of repentance ever come,—each, with his Bill in his hand, may cry, like *Lovelace* under the avenging sword—Let this expiate! But Lord Eldon!—where will be his atonement? One alone will he be able to find, and that he must borrow of Lord Castlereagh.

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beauty, according to Anacreon, is to woman,—*courtesy*, according to everybody, is to Lord Eldon : to armor of all sorts—offensive as well as defensive—a matchless and most advantageous substitute. With the exception of those, whom, while doubting, he is ruining, and, without knowing anything of the matter, plundering,—this it is that keeps everybody in good humor : everybody—from My Lord Duke down to the Barrister's servant-clerk. Useful here, useful there, useful everywhere,—of all places, it is in the Cabinet that it does Knights' service. It is the *Court sticking-plaister*, which, even when it fails to heal, keeps covered all solutions of continuity : it is the *Grand Imperial cement*, which keeps political corruption from dissolving in its own filth. Never (said somebody once), never do I think of *Lord Eldon* or *Lord Sidmouth*, but I think of the aphorism of *Helvetius*—*Celui qui n'a ni honneur ni humeur est un Courtisan parfait*.

When this virtue of the Noble and Learned Lord's has received its homage, the rest may be most effectually and instructively made known by their fruits. These fruits will be his *res gestæ* : exploits—performed throughout, or in the course of, his four-and-twenty years' dominion over the fields of judicature and legislation. Enterprises consummated—enterprises in progress—measures not originating with him, but taken up by him and improved—exploits performed by his own hands—exploits performed by the hands of his creatures, or other instruments ;—under one or more of these heads, were any such exactness worth the space and trouble, would some of these exploits be to be entered,—under another or others, others. But forasmuch as all *judicial* censure is altogether out of the question, and the space and research necessary for such distinctions altogether unaffordable, they must unavoidably be omitted. Under each head, it will be for the reader, from what he has seen or heard, or may choose to see or hear, to consider whether, and, if yes, how far, the imputation attaches. To improve on these hastily collected hints, and complete the investigation, would, if performed by a competent hand, assuredly be a most interesting as well as useful work.

1. Nipping in the bud the spread of improvement over the habitable globe, ruining fortunes by wholesale, and involving in alarm and insecurity a vast proportion of the vast capital of the country, by wantonly scattered doubts, leaving the settlement of them to a future contingent time that may never come.¹

¹ Of this broadcast dissemination of uncertainty, one obvious cause may naturally be found in the profit made in the two great shops—the *Private Act of Parliament Shop* and the *Charter Shop*, in which the right of associating

2. Rendering all literary property dependent on his own inscrutable and uncontrollable will and pleasure.

3. Establishing a censorship over the press, under himself, with his absolute and inscrutable will, as censor : inviting, after publication with its expense has been completed, applications to himself for prohibition, with profit to himself in these, as in all other instances.

4. Leaving the line of distinction between cases for *open* and cases for *secret* judicature, for so long as there is any, at all times dependent on his own inscrutable and uncontrovertible will and pleasure, establishing and continually extending the practice of covering his own proceeding with the cloak of secrecy.

5. Rivetting, on the neck of the people, the continually pinching yoke of an aristocratical magistracy, by rendering all relief at the hands of the Chancellor as hopeless, as, by artificial law expenses and participation in sinister interest and prejudice, it has been rendered, at the hands of the Judge.

6. On pretence of heterodoxy, by *ex post facto* law, made by a single Judge for the purpose,—divesting parents of the guardianship of their own children.

for mutually beneficial purposes is sold at so enormous a price,—for the benefit of men, by whom nothing but obstruction, in this and other shapes, is contributed.

Wheresoever, in the case of a public functionary, remuneration wears the shape of fees, there, abuse in every shape is sure to have place. Not only in judicial offices so called, but in all offices whatsoever, such cases excepted, if any, in which for special adequate cause special exception can be shown, salary should be substituted for fees.

In the case of patents for invention, exaction in this shape has swelled to an enormous magnitude. Justice, in the shape of reward for inventive genius, denied to the relatively poor, that is to say, to probably the far greater number; sold at an enormous price to the relatively rich : all inventions,—the authors of which are not themselves rich enough to carry them through, nor able to find a capitalist to join with them,—nipt in the bud. Official men, lawyers and non-lawyers in swarms, who contribute nothing but obstruction, murdering invention thus in the cradle, ravish from genius its reward, and in case of failure aggravate the pressure of ill success. To see the use of *matchless constitution*, on this occasion, compare the price paid by inventive genius for this security, in the United States and in France. Note, that on these occasions, that plunderage may be tripled, the three kingdoms are disunited.

In all, or most of these cases, Lord Eldon, after having had a little finger in the pie when Attorney-General, has a finger and thumb in it now that he is Chancellor : adding to the pleasure of licking in the sweets, the gratification of obstructing improvement—called for this purpose *innovation*.

A set of motions, calling for returns of these several sources, and of the masses of emolument derived from each by the several functionaries, could scarcely be negatived.

7. Injecting into men's minds the poison of insincerity and hypocrisy, by attaching to pretended misdeeds, sufferings, from which, by an unpunishable and unprovable, though solemn act of insincerity, the supposed misdoer may, in every case, with certainty exempt himself.¹

8. In all manner of shapes, planting or fixing humiliation and anxiety in the breasts of all, who, on points confessedly too obscure for knowledge, oppose him, or refuse to join with him, in the profession of opinions, in relation to which there is no better evidence of their being really his, than the money and power he has obtained by the profession of them.

9. Pretending to establish useful truth by the only means by which success to pernicious falsehood can ever be secured. Proclaiming, in the most impressive manner, the falsehood and mischievousness of every thing that is called *religion*,—by punishing, or threatening to punish, whatsoever is said in the way of controverting the truth or usefulness of it.

¹ Questions allowed to be put to a proposed witness. Do you believe in the existence of a God? If he, who does not believe, answers that he does,—thus answering falsely, he is received: if his answer be, that he does not believe—speaking thus truly, he is rejected of course.

It is by exploits such as this, that rise has been given to this appalling question—"Which, in the capacity of a proposed witness, is most trustworthy—the Christian, Priest or Layman, who, for a series of years, has never passed a day without the commission of perjury,—or the Atheist, who—when at the instance of Lord Eldon, or any one of his creatures in the situation of Judge, interrogated as to what he believes—submits to public ignominy, rather than defile himself with that abomination in so much as a single instance? Christians! such of you as dare, think of this and tremble!

Question, as to this virtual Statute, the source and seat of which is in the breast of Lord Eldon:—if this is not a subornation of perjury, what is or can be? Lord Eldon—is his mind's eye really so weak, as, throughout the whole field of legislation, to be kept by words from seeing things as they are? * Decide who can, and give to head or heart,—sometimes to the one perhaps, sometimes to the other,—the credit of this blindness.

* As to the constant and all-pervading habit of perjury, see "*Swear not at all.*" For cleansing judicature of this abomination, a not unpromising course is in the power of individuals. Any suitor, who sees a witness of whose testimony he is apprehensive—if the witness belongs to any of the classes in question, let his counsel have in hand a copy of the statutes in question, asking him whether he did not swear observance to every one of these statutes, and whether, in the breach of this or that article, he did not constantly live: on denial, he will be indictable for perjury: on admission, it will be a question whether he can be heard.

Lord Eldon! did you never take that oath? *Lord Eldon!* did you never violate it? Think of this, *Lord Eldon!*—*Mr. Peel!* did you never take that oath? *Mr. Peel!* did you never violate it? Think of this, *Mr. Peel!*

10. Bearding Parliament, by openly declaring its incapacity to render unpunishable anything to which the Judges, with the words *Common Law* in their mouths, shall have been pleased to attach punishment, or take on them to punish:—thus, by the assumed authority of himself, and those his creatures, keeping men under the rod of punishment for habits of action, which, in consideration of their innoxiousness, had by Parliament been recently exempted from it: as if Parliament had not exempted men from *declared* and *limited*, but for the purpose of subjecting them to *unconjecturable* and *unlimited* punishment. Witness the Unitarians, and all others, who will not, at his command thus signified, defile themselves with insincerity to purchase the common rights of subjects.

11. Doing that which even Parliament would not dare to do, and because Parliament would not dare to do it: doing it, with no other warrant, than this or that one of a multitude of words and phrases, to which *one* import as well as *another* may be assigned at pleasure. Witness *libel*, *blasphemy*, *malice*, *contra bonos mores*, *conspiracy*, *Christianity is part and parcel of the law of the land*: converting thus at pleasure into crimes any the most perfectly innoxious acts, and even meritorious ones: substituting thus to legislative definition and prohibition an act of *ex post facto* punishment, which the most consummate legal knowledge would not have enabled a man to avoid, and as to which, in many an instance, perhaps, it was not intended that it should be avoided.¹

¹ But Parliament—contempts of its authority all the while thus continually repeated—what does it say to them? Say to them? why nothing at all to be sure: Cabinet, by which the wires of Parliament are moved, desires no better sport. Chancellor,—by whom the wires of Cabinet are moved, and by whom the acts of contempt are committed or procured,—looks on and laughs in his sleeve.

Contempt of Parliament indeed! Parliament desires no better than to be thus contemned: and, to be assured of this, observe whether, of the indications given in these pages, it will suffer any, and what use to be made. Contempt of Parliament! Why, all this is the work of Parliament itself. That which, with its own forms, it could not do without a world of trouble—what it might even be afraid to do—(for, where guilt abounds, so does cowardice)—it does by simple connivance, without a particle of trouble. But why talk of *fear*? On each occasion, whatever is to be done, the object with all concerned is to have it done with least *trouble* to themselves. By the hand of a Judge, those by whom Parliament is governed do, without any trouble, that which without trouble in abundance could not be done by the hand of Parliament.

In flash language, *Common Law*—in honest English, *Judge-made Law*—is an instrument, that is to say, Judges are instruments—for doing the dirty work of Parliament: for doing in an oblique and clandestine way, that which Parliament would at least be ashamed to do in its own open way.

All this—which, under a really existing constitution, grounded on the greatest-happiness-principle, would furnish matter for impeachment on impeachment,—furnishes, under the imaginary matchless one, matter of triumph, claim to reward, and reward accordingly.

12. Poisoning the fountain of history, by punishing what is said of a departed public character on the disapproving side—while, for evidence and argument on the approving side, an inexhaustible fund of reward is left open to every eye: thus, by *suppression*, doubling the effect of *subornation of evidence*. This by the hand of one of his creatures: his own hand, without the aid of that other, not reaching quite far enough.

The title *Master of the Abuses* which occurs in page 49, may perhaps have been thought to require explanation. It was suggested by that of *Master of the Revels*, coupled with the idea of the enjoyments in which he and his have for so many years been seen *revelling* by the exercise given to the functions of it.

The *Mastership of the Revels* being abolished, or in disuse,—the *Mastership of the Abuses* appears to have been silently substituted; and Lord Eldon presents himself as having been performing the functions of the office, as yet without a salary: with his Masters in Chancery, serving under him in the corresponding capacity, and on the same generous footing, on the principle of the *unpaid Magistracy*. A subject for calculation might be—at what *anno domini*, the business of all the *denominated* Offices, possessed by those Masters and their Grand Master respectively, will have been brought into the state, into which, under his Lordship's management, that of the *Six Clerks* has already been brought, together with that of the *Six Offices*, with which the *future* services of his Honorable Son have been so nobly and generously remunerated?—at what halcyon period these offices will, with the rest, have been sublimated into sinecures, and the incumbents apotheosed into so many *Dii majorum*, or *Dii minorum gentium* of the Epicurean heaven?

Nor, for the allotment of these parts, is any such labor as that of concert or direction necessary. Nothing does the purpose require that an English Judge should do, more than what in his situation human nature and habit effectually insure his doing: giving, on every occasion, to his own arbitrary power every possible extent, by all imaginable means. While this is going on, so long as what he does suits the purposes of his superiors, it is regarded of course with that approbation of which their silence is such perfectly conclusive evidence. On the other hand (to suppose, for argument sake, an effect without a cause), should he ever in any the smallest degree obstruct their purposes, any the least hint would suffice to stop him. What could any Judge do—what could even Lord Eldon hope to do—against the will of Monarchy and Aristocracy in Parliament?

To help conception, a short parallel between the Noble and Learned Lord and his Noble and Learned predecessor Jefferies, may be not altogether without its use.—*General Jefferies* had his one "*campaign*:" *General Eldon*, as many as his command lasted years. The deaths of Jefferies's *killed-off* were speedy: of Eldon's, lingering as his own resolves. The deaths of Lord Jefferies's victims were public—the sufferers supported and comforted in their affliction by the sympathy of surrounding thousands: Lord Eldon's expired, unseen, in the gloom of that solitude which wealth on its departure leaves behind it. Jefferies, whatsoever he may have gained in the shape of royal favor—source of future contingent wealth,—does not present himself to us clothed in the spoils of any of his slain. No man, no woman, no child did Eldon ever kill, whose death had not, in the course of it, in some way or other, put money into his pocket. In the language, visage, and deportment of Jefferies, the suffering of his victims produced a savage exultation: in Eldon's, never any interruption did they produce to the most amiable good humor, throwing its grace over the most accomplished indifference. Jefferies was a tiger: Eldon, in the midst of all his tears, like Niobe, a stone.

Prophet at once and painter, another predecessor of Lord Eldon—Lord Bacon, has drawn his emblem. Behold the man (says he) who, to roast an egg for himself, is ready to set another's house on fire! So far so good: but, to complete the likeness, he should have added—*after having first gutted it*. One other emblem—one other prophecy. Is it not written in the Arabian Nights' Entertainments?—Sinbad the Sailor, *Britannia*: Old Man of the Sea, the Learned Slaughterer of Pheasants, whose prompt deaths are objects of envy to his suitors. After fretting and pummelling, with no better effect than sharpening the gripe,—the Arabian slave, by one desperate effort, shook off his tormenting master. The entire prophecy will have been accomplished, and the prayers of *Britannia* heard, should so happy an issue, out of the severest of all her afflictions, be, in her instance, brought to pass.

RAILWAYS

COMPARED WITH

CANALS AND COMMON ROADS,

AND THEIR

USES AND ADVANTAGES EXPLAINED :

BEING THE SUBSTANCE OF A SERIES OF PAPERS PUBLISHED IN
THE SCOTSMAN, IN DECEMBER, 1824, AND NOW REPUBLISHED
WITH ADDITIONS AND CORRECTIONS.

By CHARLES MACLAREN, Esq.

LONDON :—1825.

RAILWAYS.

THERE is no single circumstance that contributes so much to the improvement of a country as abundant and easy means of internal communication. Part of the price of commodities always consists of the expense of bringing them from the place where they are raised or manufactured to the market. Where Canals and well-made roads abound, and vehicles are skilfully constructed, this amounts in general only to a small per centage on the first cost; but in rude and backward districts, it often enhances the price of the articles to three or four, or even ten times the original amount, and of course either greatly lessens or entirely precludes their use. Coal, for instance, is not found within less than one hundred miles of London, and had some more economical mode of conveyance than carting not been found out, this article, which is sold at 40s. a ton in the metropolis, would have cost six pounds—a price which would have been nearly equivalent to a prohibition against its use. Such are the vast facilities which navigation affords for the transportation of commodities, that the coal of Gloucestershire can be sent by sea at a cheaper rate to Jamaica, than it could be sent by land in carts to London.

In early times the roads were mere foot tracks, and goods were universally carried on the backs of horses. To these succeeded gravelled roads for wheeled carriages; and the latter were followed by Canals. A horse put into a wheeled carriage will draw, on a well-made road, as much as four horses would carry on their backs; but when employed in tracking a boat on a canal, he will perform as much work as thirty horses in carts, or as a hundred and twenty pack-horses. The grand advantage in ship navigation is, that the sea is a ready-made road of an extremely perfect kind, which costs nothing, and that the winds furnish a very great, though unsteady, moving power, without any other expense than that of sails and rigging. A ship of 1000 tons burden, weighing with her load perhaps 1500 tons, and which might be

navigated by 60 men, performs the voyage from Calcutta to London in four months, which is at the rate of five miles an hour, night and day. It may be shown that the impulse of the wind on the sails of such a vessel furnishes a power equal to that of 250 horses, and of course that it would require the force of 750 horses to work the vessel day and night with the same speed.

Railways are a much more recent invention than Canals; and for particular purposes, such as the conveyance of coal, stone, or other heavy commodities down a short inclined plane, sloping at an angle of three or four degrees, their superiority has been long admitted. As a means of general communication, they are cheaper in the first outlay than Canals, more commodious in some respects, and adapted to a greater variety of situations; but so long as horse-power was the only power employed, it may be doubted whether the balance of advantage was not in favor of Canals.—There is scarcely a doubt, however, that the introduction of the locomotive steam-power has given a decided superiority to Railways. Indeed, it may be safely asserted that the general use of Railways and steam-carriages for all kinds of internal communication, opens up prospects of almost boundless improvement, and is destined, perhaps, to work a greater change on the state of civil society, than even the grand discovery of navigation.

More than a year ago I collected a variety of notes and materials to elucidate the advantages of Railways, but my design of engaging in any discussion on the subject was suspended till I should consult some of the scientific works on Mechanics. Writers on Science, however, generally travel in beaten tracks; and as Railways are a recent invention, I have scarcely found a single article in any of the standard books¹ which could throw light on the theory of their use and construction; nor do the authors of the works in question, generally speaking, seem to have had any adequate idea of their importance. I think it right to acknowledge that I am but slenderly qualified to supply what is thus at present a desideratum; but if my speculations—or even my errors—shall draw the attention of others whose acquirements are greater to the subject, my labor will not be useless.

The value of the Railway, as a medium of commercial communication, has not escaped the sagacity of Dr. Young. In his Lectures on Natural Philosophy, he says—“It is possible that roads paved with iron may hereafter be employed for the purpose of expeditious travelling, since there is scarcely any resistance to be

¹ When Professor Leslie proceeds with the remaining volumes of his excellent *Elements of Natural Philosophy*, it is to be hoped he will apply his great abilities to the elucidation of this subject.

overcome, except that of the air; and such roads will allow the velocity to be increased almost without limit."

Iron Railways are of two descriptions. The flat rail or tram road consists of cast iron plates about three feet long, four inches broad, and half an inch or an inch thick, with a flaunch, or turned-up edge on the inside, to guide the wheels of the carriage. These plates rest at each end on stone sleepers of three or four hundred weight, sunk into the earth, and they are joined to each other so as to form a continuous horizontal pathway. They are of course double, and the distance between the opposite rails is from 3 to 4½ feet, according to the breadth of the car or waggon to be employed. The edge rail, which is found to be superior to the tramrail, is made either of wrought or cast iron. If the latter is used, the rails are about 3 feet long, 3 or 4 inches broad, and from 1 to 2 inches thick; and they are joined at their ends by cast metal sockets attached to the sleepers. The upper edge of the rail is generally made with a convex surface, to which the wheel of the car is adapted by a groove made somewhat wider. When wrought iron is used (which is found to be almost equally cheap with cast metal, and greatly preferable in many respects, ¹) the bars are made of a smaller size, of a wedge shape, and 12 or 18 feet long, but they are supported by sleepers at the distance of every three feet. The waggons generally used run on four wheels of from two to three feet diameter, and carry from 20 to 50 cwt. Four or five of these are drawn by one horse. On the dead-level Railway constructed by Mr. John Grieve for Sir John Hope, near Musselburgh, which is one of the most perfect in Britain, a single horse draws five loaded waggons, each containing 30 cwt. of coals, at the rate of four miles an hour—in all 7½ tons exclusive of the waggons, which weigh 3 tons more. ² Reducing the velocity to two miles an hour, by Professor Leslie's rule the horse should drag 12 tons, or 15 tons including the waggons. Mr. Stevenson observes, that "an ordinary horse, on a well-constructed edge Railway, on a level line of draught, will work with about ten tons of goods." ³ Mr. Palmer, an English engineer, gives the following as the effect

¹ It is proper to mention, that I find the superiority of the wrought-iron rail, when formed by rollers, questioned in the report of an English engineer, published in the Newcastle Courant. Its defect, according to his statement, is, that under the incessant pressure of the wheels, it ultimately splits into laminae.

² See the article Railways by Mr. Buchanan, in the Supplement to the Encyclopedia Britannica.

³ Memorial relative to opening the great valleys of Strathmore and Strathearn by means of a railway or canal, 1821. See also the article Railways, in Dr. Brewster's Encyclopedia, by the same writer.

of a single horse's draught, on different railways, at $2\frac{1}{2}$ miles an hour. ¹—

	Weight of the load drawn, in pounds.	Weight of the load and waggon, in pounds.
Lanelly tram road, - - - -	4602	8850
Surrey ditto, - - - -	6750	9000
Penryn edge rail, - - - -	10,084	18,050
Cheltenham tram road, - -	8679	15,500
New branch of ditto, dusty, -	11,765	18,300
Ditto, clean, - - - -	14,079	21,900
Edge railways near Newcastle,	17,773	25,500

This table shows the great superiority of the edge rail. The engineer observes too, that the vehicles are made in a very rude manner, and that more care employed in their construction; the load might be much increased.

Railways are generally made double, one for going and the other for returning. The breadth of ground required for a single railway, is from 9 to 12 feet; for a double one, from 15 to 25. The expense of a double road, including the price of the ground, may be estimated generally at from 3000*l.* to 5000*l.* per mile, or from one-half to one-third of the expense of a canal. Mr. Stevenson says, "the first expense of a canal will be found to be double if not treble the expense of a railway; such are the difficulties of passing through a well-cultivated country, and especially of procuring a sufficient supply of water in manufacturing districts; that four times the expense will in most cases be nearer the mark." (Memorial, p. 12.) We speak here of railways of the ordinary kind for the transportation of goods; but it is probable, that one destined to serve the purpose of a great national thoroughfare for vehicles of all kinds, quick and slow, would cost at least twice as much. Even in this case, however, the original outlay would certainly not amount to more than a half or a third of what would be required for a canal of such a magnitude as to afford the same amount of commercial accommodation. The Union Canal has cost altogether about 12,000*l.* per mile; the Forth and Clyde, if executed at this day, would cost twice as much; the Caledonian Canal, if we exclude the lochs, and reckon only what has been cut, will ultimately cost almost 50,000*l.* per mile. Even deducting what has been expended on the lochs and on the harbors at its

¹ Description of a railway on a new principle, &c. 1823. For farther details respecting the construction of railways, and an account of various contrivances for raising the waggon from a lower level to a higher, the reader may consult the Essays edited by Mr. Stevenson, in the 6th vol. of the Highland Society's Transactions.

extremities, the expense will still be nearly 40,000*l.* per mile. The projected canal from Bridgewater-bay to Lime, for sea vessels, is estimated to cost more than 40,000*l.* per mile.

A railway from Glasgow to Berwick, 125 miles long, projected in 1810, was surveyed by Mr. Telford, and estimated to cost 365,700*l.*, or 2,926*l.* per mile. The estimated expense of a railway from Birmingham to Liverpool, distance 104 miles, surveyed within these few months, is 350,000*l.*, or 3,365*l.* per mile. That of one from the Cromford Canal to the Peak Forest Canal in Derbyshire, 32 miles long, is 150,000*l.*, or 4,700*l.* per mile. A recent Carlisle paper states, that the expense of a railway between that city and Newcastle was estimated at 252,000*l.*, or 4,000*l.* per mile; and that of a canal at 888,000*l.*, or 14,000*l.* per mile. A railway projected to run from Manchester to Liverpool, 33 miles, has been estimated to cost 400,000*l.*, which is no less than 13,000*l.* per mile; but this includes a large amount for warehouses and locomotive engines, besides a sum set apart for the probable expenses of litigation. Lastly, a railway from Dalkeith to Edinburgh, including a branch to Fisherrow Harbour, 9½ miles long altogether, will cost, according to the recent estimate of Mr. John Grieve, 36,862*l.*, or 3,983*l.* per mile, including the expense of five locomotive and one stationary steam engines.

Mr. Palmer, the engineer already mentioned, has proposed a new and ingenious species of railway, which deserves notice. It consists of a single rail, or continuous rod, of the usual form, but raised about three feet above the surface of the ground, and supported by cast metal pillars every ten feet. Two wheels with grooved edges, and 24 or 30 inches diameter, run, the one before the other, on this railway; and from the iron frame to which they are attached by their axles, two chests or receptacles made of iron are suspended by stiff rods, exactly like panniers from the back of a horse. The chests hang down very near to the surface of the ground; the load which is placed in these chests being so low, that the centre of gravity is always beneath the level of the rail, the machine, unless very unequally loaded, has no tendency to upset. The principal advantages of this contrivance are the following: A moderate fall of snow would produce no obstruction; it could be carried over uneven ground, and over small hollows or ravines, without cutting, embanking, or casting bridges, by merely lengthening or shortening the pillars; the lateral friction from the want of perfect parallelism in the two opposite rails of the ordinary railways is avoided; and in many cases the rail might even be carried along the side of a common cart-road with a very small additional expense. Mr. Palmer, who made some trials with a portion of railway formed in this manner, states, that the effect

produced by the draught of a single horse was nearly double of that produced on the common double railway, or 45,000 pounds; including the vehicle. There is nothing in the nature of this machine to render steam-power inapplicable to it.

In calculations respecting the power of a horse exerted in different modes, errors often arise from considering this power as a constant quantity, which it is not. At a dead pull an ordinary horse exerts a force of traction equal to 150 pounds; this is reduced to less than one-half when he travels four miles an hour; to one-ninth part when he travels eight miles an hour, and at twelve miles an hour his whole strength is expended in carrying forward his own body, and his power of traction ceases. It is supposed here that the horse performs pretty long journeys. When travelling very short stages, he may exert a force considerably greater; and his power of traction may perhaps cease only at a velocity of 14 or 15 miles an hour. But in common cases a velocity of 12 miles may be taken as the maximum, and for the convenience of calculation, the dead-pull may be taken at 144 pounds. Adopting then Professor Leslie's formula, the force of traction at any degree of velocity (v) will be $= (12-v)^2$. Thus, the force exerted, at two miles an hour, will be 100 pounds; at four miles, 64 pounds; at six miles, 36 pounds; at eight miles, 16 pounds; and at ten miles, only 4 pounds. For such horses as are employed in stage coaches, and for light cart horses, we have no doubt that this estimate is substantially correct. But there is a very great difference in the natural strength and speed of horses, and for those of a very heavy description, the force of traction may probably be assumed as one-half greater at low velocities, and the maximum speed as somewhat less. Mr. Stevenson found, by the dynamometer, that a very heavy draught horse (weighing 10 cwt. or 70 stone), in tracking a boat, exerted a force of 160 pounds.¹ He unluckily does not mention the velocity; but this may be assumed as rather under two miles an hour. Estimating the force of traction at two miles an hour to be 150 pounds, Professor Leslie's formula will become $\frac{2}{3} (12-v)^2$. The horse moving at one mile an hour would pull with a force of 181 pounds; at two miles, with 150 pounds; at three miles, with 120 pounds; at four miles, with 96 pounds; and at a dead pull he would exert a force of 225 pounds. It is proper to add, that the dead-pull here mentioned is a continued—not a momentary effort. It is the last term in the series of descending velocities, in all of which constant action is supposed, and means properly the effort which the horse could make if released from the exertion required to carry forward

¹ Article Railways. Dr. Brewster's Encyclopedia.

his own body. When the action is continued only for a few minutes, the horse may undoubtedly pull with twice the force which the formula exhibits, or even more. The maximum velocity also, for a heavy horse, should have been assumed a little lower; but not to embarrass ourselves with a multiplicity of formulæ, I have kept it unchanged. On these grounds, therefore, and to avoid every thing like exaggeration, I shall consider the force of traction exerted by a horse, moving at two miles an hour, as equivalent to about 150 pounds, or one-half greater than Professor Leslie's formulæ indicates. Steam-engine makers assume a horse-power to be equal to a weight of 180 or 200 pounds; but this is to be considered merely as an arbitrary and conventional standard, adopted for a particular purpose.

The resistance to the motion of a vessel in the sea or a canal is of an extremely different kind from that which a carriage of any kind experiences on a common road or a railway. In the former case it arises from the pressure of the water on the bow and sides of the vessel; in the latter, from the friction of the axle in its box, and that of the rim of the wheel on the gravel or iron rail. The motion of the body in both cases is resisted also by the air; but this resistance, which is small in amount, generally speaking, I shall throw entirely out of view in the first instance, in order to simplify the calculations.

On a well-made road a horse will draw a load of one ton, in a cart weighing 7 cwt., at the rate of two miles an hour. (Leslie's *Elements*, p. 253.) The whole strength of the horse is exerted in overcoming the friction. On such a road, therefore, a force of traction of 150 pounds moves a weight of 3000 pounds, or the friction is 1-20th part of the load (the cart included).

On a railway of the best construction, it has been already shown, that a horse travelling at the same rate of two miles an hour, draws 15 tons, including the vehicles. In this case, then, a power of traction of 150 pounds moves a weight of 33,600 pounds; the friction of course is 1-224th part—or in round numbers, 1-200th part of the load. Mr. Wood in his *Practical Treatise on Railroads*, published in May 1825, gives the results of thirteen experiments made by himself, from which it appears that the average amount of the friction is 1-204th part of the load. The rail was an edge rail; the diameter of the wheel was 34 inches, and that of the axle 1-12th of the wheel.

On a canal, a horse travelling at two miles an hour, draws 30 tons in a boat weighing probably 15 tons.¹ Reducing the ton

¹ Boats in some cases carry only 15 or 20 tons; in others 35 (as the coal boats on the Union Canal), but in the one case they travel quicker, and others slower, than the rate mentioned. The boats drawing 35 tons travel 27 miles in 15 hours, and work by relays.

to 2000 pounds for the sake of round numbers, as in the last calculation, we find here that a power of traction of 150 pounds moves a mass of 90,000 pounds, or the resistance which the water opposes to the motion of the vessel is equal to 1-600th part of the load or entire weight. At sea, where the water-way is of unlimited breadth, the resistance is probably one-third less; but as a compensation for this, when steam-power is employed, there is probably a loss of one-third in consequence of the disadvantageous mode of its application.

We see, then, that the effect produced by the draught of a single horse is ten times as great on a railway, and thirty times as great on a canal, as on a well-made road. Yet a railway costs only about three times as much as a good turnpike road,¹ and a canal about nine or ten times; and the expense of keeping the railway and canal in repair is probably less in proportion to the original outlay, than in the case of a road. It is obvious, then, that were railways to come into general use, two-thirds or more of the expense of transporting commodities would be saved. Again, with regard to the comparative advantages of Canals and Railways, so far as the present facts go, we may observe, that if a horse-power effects three times as much on a Canal as on a Railway, the Canal costs about three times the sum, and will of course require nearly the same rates or dues per ton to make the capital yield the same interest.

But here it is of great importance to recollect that this computation refers solely to a velocity of two miles an hour. If the friction which impedes the motion of a car or waggon, and the resistance which the water offers to the progress of a ship, were governed by the same laws, the same conclusions would hold true whatever the velocity might be. But this is far from being the case, as we shall presently see. In illustrating this point, it will be convenient, instead of estimating effects by the variable measure of a horse-power, to refer to a determinate and constant force of traction of a given amount. We shall therefore assume, that the body to be moved is urged forward by a force exactly equivalent to a weight of 100 pounds, suspended over a pulley at the end of the plane on which it moves.

Resistance in Water.—It is deduced from the constitution of fluids, and confirmed by experiment, that the resistance which a floating body encounters in its motion through the fluid is as the square of the velocity.² Now, taking as a basis the known effect

¹ In Mr. Telford's estimates for portions of new road between Edinburgh and Wooller, we find the expense to be from 1000*l.* to 1100*l.* per mile, including the price of the ground.

² Some writers suppose the resistance to be as the cube of the velocity.

of a force of traction of 100 pounds at two miles an hour, let us ascertain what force would move the same body at a greater velocity. On a Canal, or arm of the sea, we have seen that a body weighing 90,000 pounds is impelled at the rate of two miles an hour, by a force of 150 pounds; or a force of 100 pounds will move a weight of 60,000 pounds at the same rate. Therefore, to move the same weight

At 4 miles an hour, will require	-	-	400 pounds.
6 ditto,	ditto,	-	900 do.
8 ditto,	ditto,	-	1600 do.
12 ditto,	ditto,	-	3600 do.

Or conversely—

100 pounds moves 60,000 pounds at	2 miles an hour.
or 15,000	at 4 do.
or 6600	at 6 do.
or 3750	at 8 do.
or 1665	at 12 do.

Hence we see that when we have to contend with the resistance of water, a great increase of power produces but a small increase of velocity. To make a ship sail three times faster, for instance, we must employ nine times the power; and to make her sail six times faster, we must employ no less than thirty-six times the power. Let us suppose, for example, that it were required to determine, since one horse draws a boat loaded with 30 tons at two miles an hour, how many horses would draw the same boat at four miles. We find, first, that since the boat is to move two times as fast, it will require four times the absolute amount of power, or 600 pounds. But the horse moving at four miles an hour pulls only with a force of 96 pounds. Of course, it would require six horses to exert a power of 600 pounds, and move the boat at the rate proposed.

Resistance on a Railway.—Let us now see what amount of power will produce corresponding effects on a Railway. And before we make more particular inquiry, let us suppose that the retardation occasioned by friction, instead of increasing as the square of the velocity like the resistance of a fluid, increases in the simple ratio of the velocity. We have seen then that a force of traction of 100 pounds, on a level Railway, moves a body weighing 20,000 pounds at the rate of two miles an hour. We may hence calculate the effect produced by any greater amount of power—

In practice it is probably something near a mean between the square and the cube. M. Marestier, a French engineer, in an elaborate work on the American Steam-boats, the construction and movements of which he carefully examined, holds the resistance to be as the cube of the velocity. *Revue Encyclopedique* for Nov. 1824.—See Playfair's *Outlines*, I. 198.; Leslie's *Elements*, sect. vii. Article *Resistance*, *Encycl. Britannica*.

20,000 lbs. are moved at	2 miles an hour	by a power of	100 lbs.
	at 4 miles	—	200 lbs.
	at 6 miles	—	300 lbs.
	at 8 miles	—	400 lbs.
	at 12 miles	—	600 lbs.

Or conversely—

A power of 100 lbs. moves	20,000 lbs.	at	2 miles per hour.
	or 10,000 lbs.	at	4 do.
	or 6600 lbs.	at	6 do.
	or 5000 lbs.	at	8 do.
	or 3300 lbs.	at	12 do.

Hence we see that though a moving force of 100 pounds produces three times as great an effect on a Canal as on a Railway at two miles an hour, this superiority of the water-conveyance is lost if we adopt a velocity at six miles an hour; and at all great velocities, the same expenditure of power will produce a greater effect on a Railway than on a Canal, a River, or the Sea.

But in this calculation the advantages of the Railway are estimated much below the truth. It proceeds on the hypothesis, that the friction increases in the simple ratio of the velocity. Such was the opinion of Ferguson, Muschenbroek, and some other writers; but the more recent and accurate experiments of Coulomb and Vince have overthrown this doctrine, and established conclusions extremely different, of which the following is an abstract:—

1. The friction of iron sliding on iron, is 28 per cent. of the weight, but is reduced to 25 per cent. after the body is in motion.

2. Friction increases in a ratio nearly the same with that of the pressure. If we increase the load of a sledge or carriage four times, the friction will be nearly, but not quite, four times greater.

3. Friction is nearly the same whether the body moves on a small or a greater surface; but it is rather less when the surface is small.

4. The friction of rolling and sliding bodies, so far as it has been investigated, follows nearly, but not precisely, the same law as to velocity; and that law is, that the friction is the same for all velocities, or the resistance is equal in equal times, whatever be the space passed over.

It is with this last law only that we have to do at present; and it is remarkable that the extraordinary results to which it leads have been, so far as we know, entirely overlooked by writers on roads and railways. These results, indeed, have an appearance so

* Leslie's Elements, p. 188, &c.; Playfair's Outlines, I. 88, &c.; Journal de Physique, 1785; Philosophical Transactions, 1785. Dr. Brewster has given the results of Coulomb's experiments in a tabular form, in the Article *Mechanics*, in his Encyclopedia.

paradoxical, that they will shock the faith of practical men, though the principle from which they flow is admitted without question by all scientific mechanicians.

As it would be wrong to speak with a degree of confidence which the present state of our knowledge does not justify, it is proper to mention, that we have no accurate experiments to guide us with regard to the friction of rolling bodies, and that though Coulomb's experiments as to sliding bodies were conducted with the greatest care and precision, yet as he employed only low velocities, and as the phenomena of friction present many anomalies, I would not be understood to guarantee the literal accuracy of the conclusions I have deduced, in every minute detail, and at all possible velocities. I have no doubt, however, that these conclusions will approximate sufficiently to the truth to afford practical inferences of much importance.

1. It follows from this fourth law, that a body impelled along a railway by any constant power, exceeding what is sufficient to overcome the resistance of friction (which is a uniform quantity), will have its motion continually accelerated, in the ratio of the squares of the times. A body, for instance, so impelled, which travels one foot or one yard in the first second, will travel three feet or yards in the next second, five feet or yards in the third, seven in the fourth, and so on. And however small the original velocity may be, it will in time increase beyond any assignable limit. The motion of the body, if not strictly conformable to this principle, will at least approximate to it.

2. It follows also from the same law, that if the power expended in overcoming the *inertia* of the moving body in the earlier part of its journey is saved, by an impulse given at the moment of starting, the body will proceed exactly as it would have done, had it arrived at the same degree of velocity by its own accelerating power—that is, it will not only maintain the high velocity thus communicated, but increase it. In other words, the same constant power which would maintain a velocity of two miles, would equally maintain a velocity of twenty miles an hour. It is only the resistance of the air (increasing as the square of the velocity) that prevents this indefinite acceleration, and ultimately renders the motion uniform.

As an illustration of the effect of the motion described, we may observe, that if a horizontal railway were made round the globe, and the machine, supplied with a power exactly equivalent to the friction, were placed on the railway, and launched by an impulse with any determinate velocity (always supposing the resistance of the air withdrawn), it would revolve for ever with the velocity so imparted, and be in truth a sort of secondary planet to our globe.

Let us now endeavor, by the help of these principles, to inves-

tigate the effects of a certain force of traction on a horizontal Railway. Since the friction of a given body is a fixed and constant quantity, the power employed in impelling the machine may be conveniently divided into two portions—one to balance the retarding effect of the friction; the other to urge it forward, which of course constitutes the accelerating force. Let us then suppose that a force of traction equal to 250 pounds is applied on a Railway to a waggon or machine weighing with its load 30,000 pounds. Of this force let us suppose 150 pounds to balance the friction; of course the remaining 100 pounds is applied to the acceleration of the machine. Now, the accelerating force of 100 pounds is equal to the 300th part of the weight of the body to be moved. The machine will therefore advance through a 300th part of 16 feet in the first second; through three times this fractional space in the next second; five times the same space in the third second, &c.¹ By pursuing this calculation, we find that the machine will travel $8\frac{1}{2}$ miles in 15 minutes, 33 miles in half an hour, and 130 in an hour.—Such would be the result in space absolutely void, but a degree of speed approaching to this is rendered utterly impossible by the resistance of the atmosphere, which retards the motion from its commencement, and ultimately renders it uniform, however great may be the moving power employed. It is to be observed that, with an accelerating force double of the one assumed (or 200 pounds), the space gone over in the same time would be double; with a treble force (300 pounds), it would be treble, and so on.

Let us now estimate the retarding effect produced by the resistance of the air. During high winds this resistance is so considerable, that means should be taken to lessen its amount, first, by making the vehicle long and narrow rather than broad and short; and secondly, by giving the front a round or hemispherical form. Let us suppose, then, that there are two steam vehicles, each weighing with its engine, fuel, and load, 15 tons (or 30,000 pounds). The one, a steam-waggon for conveying goods, is 6 feet high and 5 feet wide, and has of course a front of 30 square feet, which, in reference to the pressure of the air, is reduced to 15 feet by giving it a rounded form. The other, a steam-coach for carrying passengers, is 8 feet high and 8 wide, or 7 feet high and 9 wide, presenting a front of 60 square feet, but reduced to 30 by its rounded form.

Now, still air is found by experiment to press with a force of 16 grains on a body presenting a front of 1 foot square, and moving at the rate of 1 foot in a second, and the pressure increases as the

¹ As minute accuracy is unnecessary, we neglect fractions. According to Vince's rule, it would be $\frac{1}{300}t^2$ where t represents the time in seconds.

square of the velocity.¹ Hence our steam-coach, when moving at 4 miles an hour in a still atmosphere, would encounter a resistance from the pressure of the air of $2\frac{1}{2}$ pounds; at 8 miles an hour the resistance would be 9 pounds; at 12 miles 20 pounds; at 16 miles 36 pounds; at 20 miles 57 pounds. The steam-waggon, presenting only half the surface in front, would experience only half the resistance.²

Let us assume, according to what we have already stated, that a power of 150 pounds would just put the steam-coach in motion; then if we allow an additional power of 33 pounds for acceleration—making 183 pounds altogether, we find that, if the air did not oppose its progress, it would move over 43 miles in one hour. Now, since it is propelled only by a force of 33 pounds, as soon as the resistance of the air pressed it back with a force of 33 pounds, the acceleration would cease, and the motion become uniform. This would take place within 12 or 15 minutes, and when the velocity had risen to 14 or 15 miles an hour. With the steam-waggon, presenting only half the front, the velocity would become uniform at 22 miles an hour. Hence we see, that if we had always a perfect calm in the atmosphere, we could impel 15 tons along a Railway with a velocity of 15 or 22 miles an hour (according to the extent of surface the vehicle presented) by a force of 183 pounds. We may now compare the resistance on a Railway with that in a Canal or arm of the sea, in a calm atmosphere.

Power required to move a Boat in water.—According to the table formerly given, the force required to impel a vessel weighing with her load 15 tons, through water, at different velocities, would be as follows :—

At 2 miles per hour	50 pounds.
4 - - -	200 do.
6 - - -	450 do.
8 - - -	800 do.
12 - - -	1800 do.
16 - - -	3200 do.
20 - - -	5000 do.

Power required to move a Waggon on a Railway.—In this case,

¹ See Rouse's Table, No. 317, article *Pneumatics*, Encycl. Britann.—Also article *Resistance*, in the same work.

² To affect minute accuracy in calculations of this kind is a mere deception. I have therefore generally rejected fractional quantities. In point of fact, the resistance increases rather faster than in the simple ratio of the surface, and the resistance of a sphere is less than the half of that of its great circle. On the other hand, the resistance increases in a ratio rather less than that of the square of the velocity. See *Pneumatics*, *ubi supra*, and Playfair's *Outlines*, I. 264.

supposing the waggon with its load to weigh 15 tons, we have merely to add to the power necessary to overcome the friction (150 pounds), a few pounds more to balance the resistance of the atmosphere at the velocity proposed. For the steam-coach with 30 feet of front, it would be as follows:—

At 2 miles per hour	150 pounds.
4 - - -	153 do.
6 - - -	155 do.
8 - - -	159 do.
12 - - -	170 do.
16 - - -	187 do.
20 - - -	208 do.

We may now combine the two tables into one, and exhibit the results in horse-power as well as pounds—reckoning one horse-power equal to 180 pounds.

Miles per hour.	<i>Boat on a Canal.</i>		<i>Waggon on a Railway.</i>	
	Power in pounds.	Horse- power.	Power in pounds.	Horse- power.
2 - -	50	$\frac{1}{3}$	150	$\frac{3}{4}$
4 - -	200	1	153	$\frac{3}{4}$
6 - -	450	$2\frac{1}{2}$	155	$\frac{3}{4}$
8 - -	800	$4\frac{1}{2}$	159	$\frac{3}{4}$
12 - -	1800	10	170	1
16 - -	3200	18	187	1
20 - -	5000	27	208	$1\frac{1}{2}$

We see from this table the astonishing superiority of the Railway over the Canal, for all velocities above four miles an hour. Nearly three-times as much power would be required to move an equal mass at 6 miles an hour on a Canal as on a Railway; 5 times as much power would be required at 8 miles an hour; 10 times as much at 12 miles; 15 times as much at 16 miles; and 24 times as much at 20 miles an hour. It is evident, also, that an addition of power, too trifling to add anything material to the weight of the vehicle, would raise the terminal or uniform velocity from 4 miles an hour to 20; and that, speaking practically, it would cost no more to command a velocity of twenty miles an hour on a Railway, than a velocity of one. Except for the chances of injury to the railway or the vehicle, there would not be the smallest reason for conveying goods even of the coarsest kinds at 4 miles, rather than at 20 miles an hour!

But a perfect calm in the atmosphere is very rare, and vehicles intended for daily and constant use must be prepared to contend with the strongest winds. The power must therefore be increased to such an extent as to enable the vehicle to travel at its wonted

pace in all weathers. Now, according to Mr. Smeaton, a "hard gale" is found to sweep along the surface of the earth at the rate of from 40 to 50 miles an hour. This velocity, which would be increased to 60 or 70 by that of the steam-coach when travelling at 20 miles an hour, would produce a resistance of 600 pounds on the 30 feet of front of the steam-coach, or 300 pounds on the front of the steam-waggon. With a speed of eight miles an hour, the coach and waggon would encounter a resistance about one-half less. The vehicles, however, should not be constructed entirely with a view to extreme cases; and except for the conveyance of mails, and some similar purposes, an average velocity of 20 miles an hour, for vehicles of the weight and description mentioned, would be secured by a power varying from 200 to 500 pounds—that is, from one-fifth to one-tenth of the power required to produce the same effect on water. We see, however, that the resistance of the air, which, in vulgar apprehension, passes for nothing, comes to be the greatest impediment to the motion of the vehicles, and may in some cases absorb five parts in six of the whole power. Let it be remembered, at the same time, that this aerial resistance rises into consequence solely because the high perfection of the machinery—the vehicle and the road—almost annihilates every other. The atmosphere equally opposes the progress of the stage-coach, the track-boat, and the steam-boat; but the motion of these vehicles is comparatively so slow, and the power of impulsion required to overcome the other impediments to their progress is so great, that the resistance of the air is disregarded.

Common roads may be considered as railways of a less perfect kind, and as to which nearly the same laws are applicable. But the friction is much greater, first, on account of the inequalities of the surface; and secondly, because the shocks the vehicle is subjected to in its motion over these inequalities, renders a heavier and clumsier construction necessary. But when the road is either covered with a small moveable gravel, or with a stratum of soft mud, these approximate to the nature of a fluid body, and the resistance from the rolling motion will probably rather increase with the velocity. The friction in this case cannot easily be reduced to any rule; but that it must be great is evident from an experiment made by Mr. Palmer, who found, that by simply covering a tram-railroad with fine dust, the weight required to move a loaded waggon on it was increased from 36 pounds to 43, or one-fifth.

Mr. Stevenson, civil engineer, has recommended Railways of a cheaper and ruder kind for common roads and the streets of cities, which will probably be found extremely useful. These consist of wheel-tracks of smooth wrought stone, accurately joined. He employs for this purpose, stones measuring six or eight inches in the

lengthway of the road, twelve inches broad in the other direction, and twelve inches deep; the intervals between the tracks being laid with common rubble causeway. Two double tracks might be sufficient for a highway, one for going and one for returning; but the streets of a city should have as many as their breadth would admit. To give the work stability, the stones are made two or three inches broader at the bottom than the top, and they rest on a foundation of gravel or chips laid in mortar. Mr. Stevenson finds that the lineal yard of the double track would cost, in this quarter, about 9s. (18s. 6d. per square yard of laid surface), and in ordinary circumstances it might last 15 years.—Rubble causeway, or that formed of unequal stones, costs about 2s. 4d. per square yard, and aisler causeway formed of square stones, 4s. 8d. Mr. Adam-roads cost here about 1s. 6d. per square yard; but in great thoroughfares they are found to waste so fast as to require an entire renewal every three years, and on this account, besides having the disadvantage of being always partially under repair, they are actually more expensive than aisler causeway. There is every reason to believe that the stone-tracks will be less expensive than either common causeways or gravelled roads, and they will certainly save much in the wear and tear of carriages. They will besides connect most advantageously with the iron-railway system, by enabling the waggons used on the latter to travel through every part of a town. Mr. Menzies of Closeburn, who has paid much attention to the subject, is satisfied, that if smooth wheel-tracks were laid at all the acclivities, a good horse would be able to draw two tons on our present roads.

A hasty view of the subject led me at first to think that a smaller force of traction sufficed to move a carriage at a high than at a low velocity. This is true if we take the time into account, but not otherwise. The correct inference from the laws of friction is, that the force of traction, if measured by the dynamometer—or the pressure in pounds weight on the horse's shoulder, is the same, whether he travels over a given road in two hours or in four. When he travels quick, he continues the same pressure for a shorter time, and may in this sense be said to exert a smaller force. But from the greater power expended in moving his own body, and the necessary limits of animal strength, the smaller force, accompanied with a higher speed, requires a greater effort on the part of the horse.

Returning now to our table, it will be observed, that though the same amount of horse-power which drags 1 ton on a good road, will drag 30 tons on a canal, at 2 miles an hour; yet when we raise the velocity to 8 miles an hour, the resistance in water in-

increases so much, that two horses on a road will do as much as one on a canal.

In the estimate respecting railways, I have not taken into account the time lost in overcoming the *inertia* of the waggon where a small power is applied, because, in point of fact, the casual resistance of the wind would render it necessary to provide double or triple the power above stated : but if necessary, the time lost by the slow motion at first might be saved. Suppose there are a certain number of places where the steam-coach or waggon was to stop, to take in or put out passengers or goods ; and farther, that the waggon, by travelling a few miles, has acquired a uniform velocity of 20 miles an hour. Then if it is made to ascend an inclined plane of 10 feet perpendicular height, this velocity will be extinguished, and the vehicle will stop at the head of the plane. When it is to proceed again on its journey, its descent along an inclined plane of the same height on the other side, will enable it to recommence its career in a few seconds with the full velocity of 20 miles an hour. By raised platforms of this kind, at the two extremities of the journey, and at the intermediate stages, the velocity, once generated, might be treasured up for permanent use. The platforms should be of different heights, corresponding to the various velocities of the vehicles plying on the Railway. But, in point of fact, the terminal velocity is attained so soon from a state of rest, that this contrivance would probably be found unnecessary.

Where locks or lifts occur, the stationary steam-engine should drag up the vehicle (supposing it to be along an inclined plane), not simply from the one level to the other, but to a platform some feet above the higher level, that the vehicle, by its descent, might recover the lost velocity. It is plain, however, that when the difference of level did not exceed eight or ten feet, the momentum of the vehicle would carry it up without any assistance from a stationary engine, and with merely a small temporary loss of velocity.

Some persons imagine erroneously that teathed-wheels and rack-work would be necessary where the Railway was not perfectly level. But the friction of iron on iron being 25 per cent. of the weight, if the whole load was on the wheels to which the moving power was applied, and if the quantity of power was sufficient, the waggon would ascend without slipping, though the plane rose 1 foot in 4—while even cart-roads scarcely ever rise more than 1 foot in 18 or 20. If four-fifths of the load, however, were placed on separate cars, and only one-tenth of the whole pressure, for instance, was on the axle to which the moving force was applied,

the power of ascent by friction would only be one-tenth part of 1 foot in 4, or 1 foot in 40.¹

The steam-engine, as we commonly see it, is so bulky, and with the addition of its fuel and supply of water so ponderous, as to create an impression on a first view, that its whole power would scarcely, under the most favorable circumstances, transport its own weight. The steam-boat, however, which cuts its way through the ocean, in defiance of tide and tempest, shows that this is a mistake. For all velocities above 4 miles an hour, the locomotive-engine will be found superior to the steam-boat; that is to say, it will afford a greater amount of free power, above what is required to move its own weight.

I have seen various statements respecting the locomotive-engine, few of them so detailed as could be desired—from which I subjoin the following particulars.

Mr. Blenkinsop states, in replies to queries put by Sir John Sinclair, that his patent locomotive-engine, with two eight-inch cylinders, weighs 5 tons, consumes 2-3d cwt. of coal, and 50 gallons of water per hour, draws 27 waggons weighing 94 tons on a dead level at $3\frac{1}{2}$ miles per hour, or 15 tons up an ascent of 2 inches in the yard; when “lightly loaded” travels 10 miles an hour, does the work of 16 horses in 12 hours, and costs 400*l*. Another person says, that the weight of this engine with its water and coals is 6 tons, and that it draws 40 or 50 tons (waggons included) at 4 miles an hour on a level railway. (*Repository of Arts*, 1818, p. 19-21.) This seems to have been a high-pressure engine of about 6 or 7 horse-power. But we are not informed what sort of Railway it worked on, how long its journeys were, or what is meant by “lightly loaded.”

Wishing to obtain some more recent and precise information as to the working power of the locomotive-engine, I suspended the printing of this sheet till I procured a copy of a “Report on Railroads and Locomotive Engines, by Mr. Sylvester, an English engineer.” The observations made, however, by Mr. Sylvester, on the engines, seem not to be of the most satisfactory description; and

¹ Practically the adhesion of the wheel to the rail is found to vary a good deal, according to the state of the weather. Mr. Wood states, that it is greatest in very wet and very dry weather, and least when the rail has that partial degree of wetness, which makes the mud and dust adhere to it. These substances act like unguents, and greatly increase the tendency of the wheels to slip. Mr. Wood found that in the most unfavorable circumstances the adhesion was only 1-25th of the weight, or that the locomotive-engine could drag itself up an inclined plane which rose 1 foot in 25, but not more. This fact shows how much conclusions founded on scientific principles are often modified by practical circumstances.

his pamphlet is occupied chiefly with a development of the theory of their motion. He states, that the locomotive-engine generally used at Newcastle, is worked on the high-pressure principle, and has two 9 inch cylinders, in each of which the piston makes 45 double strokes of 2 feet in a minute. This engine, if working with an effective pressure of 10 pounds, would be of 7 horse-power. One which he saw in operation weighed 8 tons, and dragged 70 tons (including its own weight) down a railway inclining 1 foot in 337. It is easy to calculate how much moving power was derived in this case from the gravitation of the mass, but experiments made on inclined planes can never be satisfactory, and it is better therefore to state the writer's general results. He says he has ascertained from an examination of the locomotive-engines used at Killingsworth and Hetton collieries, "that they are in their present state a great saving compared with horse-power, and that they are capable of so much improvement as to put the matter beyond a doubt." He found, that on a horizontal railroad, a weight of 14 pounds kept an empty waggon, weighing $23\frac{1}{2}$ cwt., in motion, and that though the velocity was varied, the same force still sufficed. The friction, therefore, which I have stated at 1-200th, was found to be 1-186th in the case of the empty waggons, and in the case of the loaded waggons it was rather less. But the writer, with a singular want of thought, does not say of what description the railroad was.¹ The engine being worked by cranks, every double stroke of the piston produces one revolution of the wheel, by the size of which, and the number of strokes in a minute, the velocity is of course determined. The wheels commonly used are nine feet in circumference, which gives a velocity of $4\frac{1}{2}$ miles, but they might be made 16 feet, and if the number of double strokes were increased from 45 to 50, this would produce a velocity of nine miles an hour; and beyond nine or ten miles he thinks it would not be safe to go, as accidents might occur from the engine getting off the rails, or from other causes. He proposes to make the load (including engine and vehicles) 38 tons. The friction of this on a horizontal railway being 468 pounds (1-186th), any amount of moving force greater than 468 pounds would ultimately produce a velocity of nine miles an hour; but to command this velocity readily under any circumstances, he would employ a force of 1598 pounds, which the engine already described would afford with a pressure of $12\frac{1}{2}$ pounds on each inch. With this power the velocity of nine miles would be attained in one minute.

¹ He estimates the friction on a common road to be $7\frac{1}{2}$ times greater than on a railway. From this it may be inferred, that the railway he made his observations on was not of the most perfect kind.

Mr. Wood finds that a locomotive-engine, weighing $7\frac{1}{2}$ tons with its water, would drag 70 tons (waggon included) along a level railway at 4 miles an hour. Hence we find, that bulky and ponderous as the steam-engine appears, it consumes only one-eighth of the power it creates at that velocity, and of course that the free power applicable to other purposes is seven-eighths of the whole. When railroads, locomotive-engines, and vehicles for carrying goods, have received the further improvements of which they are undoubtedly susceptible, I see no reason to doubt that the useful effect produced will come near to what theory indicates.

The high-pressure engine, on account of its smaller weight and bulk, is evidently best adapted for railways; and it can be used with perfect safety, because it may be easily placed in a car by itself, a few feet before the vehicle in which the passengers are. It admits also of increasing the power easily, by simply urging the fire, and raising the elasticity of the steam. The vehicle itself, by its regular and steady motion, will in every case answer the purpose of a fly-wheel in the most perfect manner; and the engine on this account will not be exposed to the same chances of injury, from sudden jerks and unequal action, as in a steam-boat. The supply of coal and water required to keep Mr. Blenkinsop's engine in motion, may be estimated at 1 cwt. of the former, and 4 cwt. of the latter per hour. But means will probably be found to save the water, which forms the greatest part of the burden. Mr. Sylvester suggests that the steam, instead of being discharged into the air, might be thrown into a long tube like the chimney tube, standing upright in the front of the machine, and exposed to the cooling current of the air. My friend, Mr. Buchanan, an intelligent and scientific engineer, has had an improvement somewhat analogous to this under consideration for some time. Supposing it to pass into water at the temperature of 180, and be returned to the boiler, the saving of weight and fuel might be material, and the counter pressure generated by its vapour at this heat would only be $7\frac{1}{2}$ pounds.

Sanguine hopes are entertained by some persons, that the Pneumatic Engine lately invented by Mr. Brown, will furnish a moving power admirably adapted to the Locomotive Machine. It cannot, however, be applied to such a purpose till it is made to work with a piston, instead of an ascending column of water; and even were this improvement effected, experience alone could enable us to estimate its real utility. In the mean time, as every thing bearing on the locomotive power is interesting, let us assume, on the authority of a respectable chemist here,¹ that one foot of gas can be

¹ Dr. Fyfe at the School of Arts in Edinburgh.

made to produce 24 feet of vacuum in Brown's engine. Then, since 24 feet of vacuum per minute in the steam-engine afford a power equal to that of one horse, it may be presumed that 60 cubic feet of gas per hour would suffice for the consumption of a one-horse power Pneumatic Engine. Now, thirty atmospheres of gas can be compressed into the bulk of one, and with this degree of compression we find that a cubical vessel of 40 inches each way, or what would be better, six or eight smaller vessels of this aggregate size would hold the 1080 feet necessary to keep a six-horse-power engine going for three hours, or a four-horse engine for four hours. The engine itself is said to have only one-fifth part of the weight of a steam-engine; and the gas vessels would make but a trifling addition to the load. Were engines of this description, therefore, adapted to locomotive machines, a supply of gas sufficient for performing a journey of 40 miles could be stowed into a machine, and all the bulky and ponderous apparatus, with the supply of fuel necessary either for manufacturing gas or steam, could be dispensed with. An engine, which operated with ease and certainty, and afforded these advantages, would be of very great value, although it should not work so cheaply as the steam-engine. Indeed, the stowage gained for goods, by the lightness of the engine, would cover a considerable addition of expense.

It will be observed, from the table we have given above, that it would require seven-horse-power to impel a steam-boat weighing 15 tons at 10 miles an hour. This gives a load of two tons on each horse-power. Of the 15 tons so moved, however, the engine, if a low-pressure one, with water and eight hours coal, would weigh nearly 10 tons, and the vessel would weigh at least five; so that the whole power of the engine would be expended in impelling itself and the ship containing it at the rate supposed, and no free power would remain for freight. Facts show that the resistance is quite as great in water as theory in this case represents it. I have calculated from data furnished by the Parliamentary report on steam navigation, that the entire burden on the engine in vessels going only eight or nine miles an hour in calm weather, rarely exceeds $2\frac{1}{2}$ tons for each horse-power, while, according to the table, it should be nearly $3\frac{1}{2}$ tons. Indeed, in our common steam-vessels for passengers, going eight or nine miles an hour, the ship and engine may be considered as constituting the whole burden. For 50 passengers, weighing perhaps with their luggage 6 or 8 tons, placed on board a ship weighing with her engine (of 60 or 70 horse-power,) 150 or 180 tons, form but an addition of 1-20th or 1-30th to the mass—a quantity of no importance in a practical point of view. If we convert the steam-engine power into real horse-power, and figure to ourselves 100 horses employed

to draw 50 persons, we see what an enormous waste of power there is in the mode of conveyance. I may remark farther, that the tenor of the evidence given before the Parliamentary Committee renders it extremely doubtful, whether any vessel could be constructed, that would bear an engine (with fuel) capable of impelling her at the rate of 12 miles an hour, without the help of wind or tide.

Animal strength applied to the purpose of traction diminishes as the speed increases; but the steam locomotive-engine supplies what we have never hitherto had—a power capable of operating with undiminished force at any degree of velocity. It works, indeed, with the same constancy as gravitation. It is material, however, to observe, that to make it produce a uniform acceleration, two conditions are necessary; first, that the friction be equal in equal times, as the facts hitherto observed seem to indicate; and, second, that mechanical means should be found for transferring the power with equal effect at every degree of velocity, from the piston rod to the bearing wheels of the engine. While the transference takes place by a crank, and every double stroke of the piston produces one revolution of the wheel, this is plainly impossible. An engine making 45 double strokes in the minute, probably could not make 90 strokes, though it had no work to perform at all; and hence, as soon as the velocity was doubled, the engine, instead of accelerating the motion, would actually retard it. It is therefore absurd to expect any thing like indefinite acceleration in the locomotive-engines as they are now constructed. Indeed, it appears doubtful whether it is possible to contrive the machinery so as to give effect to a constant and uniform acceleration. But our purposes do not require this; and the engineer will easily find means to accomplish all that is really necessary—to convert the reciprocal motion of the piston rod into a rotatory motion of the wheels, without material loss, at any specified velocity.

In speaking of 20 miles an hour, it is not meant that this velocity will be found practicable at first, or even that it should be attempted. No complex invention can be perfect at the moment of its birth; and our object at the present time should be to make the best use of our present means. Every man who knows anything of the history of the arts, will readily believe that railroads and locomotive-engines have yet to receive many improvements. His vision must be narrow who considers the results of the first rude trials as fixing the boundaries of the new power thus put into our hands, and he must see far indeed who can define its ultimate limits. Mechanical skill has accomplished a hundred things at the present day, which the practical men of the preceding generation would have derided as chimeras. In proportion as the mechanism

of the railroad and the engine is perfected, the engineer will feel his way towards a more rapid rate of movement; for it is probable that all the advantages of the locomotive-engine will be found to depend on the practicability of employing a high velocity. For velocities under six miles an hour, there is reason to believe that horse-power will be found quite as economical. But time enters as an element into the cost and the advantage of every species of carriage; and of so much importance is punctuality and speed in mercantile communications, that of two modes of conveyance equally expensive, that which transports half the load in half the time will be found greatly superior to the other. An engine, for instance, which should transport goods from Manchester to Edinburgh in one day, would give the retail trader, in the latter town, almost the same command over the immense manufactured stock in the former, as over the contents of his own warehouse.

But speed is still more desirable in the conveyance of human beings, because, among the busy classes, journeys become more practicable exactly in proportion as they can be performed in a shorter time, and because men require food and attendance when travelling, and therefore every day saved is a saving of expense. In this respect the steam-coach promises immense advantages. In its construction the object should be to unite the highest practicable velocity, with as many comforts and accommodations as possible. With this view, perhaps, a form analogous to that of the steam-boat and track-boat would be the best. It might, for instance, consist of a gallery seven feet high, eight wide, and 100 feet in length, formed into ten separate chambers ten feet long each, connected with each other by joints working horizontally, to allow the train to bend where the road turned. A narrow covered footway, suspended on the outside over the wheels on one side, would serve as a common means of communication for the whole. On the other side might be outside seats, to be used in fine weather. The top, surmounted with a rail, might also be a sitting place or promenade, like the deck of a track-boat. Two of the ten rooms might be set apart for cooking, stores, and various accommodations; the other eight would lodge 100 passengers, whose weight, with that of their luggage, might be 12 tons. The coach itself might be 12 tons more; and that of the locomotive-machine 8 tons, added to these, would make the whole 32 tons. Each of the short galleries would rest on four wheels, and the whole would form one continuous vehicle.

When the steam-coach is brought fully into use, practice will teach us many things respecting it, of which theory leaves us ignorant. With the facilities for rapid motion which it will afford, however, there is nothing very extravagant in expecting to see the

present extreme rate of travelling doubled. We shall then be carried at the rate of 400 miles a-day, with all the ease we now enjoy in a steam boat, but without the annoyance of sea sickness, or the danger of being burned or drowned. It is impossible to anticipate the effects of such an extraordinary facility of communication, when generally introduced. From Calais to Petersburg or Constantinople, for instance, would be but a journey of five days; and the tour of Europe might be accomplished in a shorter time than our grandfathers took to travel to London and home again. The Americans, with their characteristic ardor for improvement, are now collecting information about railways and locomotive machines in England.¹ And to them these inventions will prove of inestimable value. Some persons doubt, for instance, whether it is possible to keep so vast a territory as theirs united under one government. But it is forgot, that extent of territory is a bar to political union, only as it renders communication slow and difficult; and that with the rapid and easy means of intercourse which the railway affords, New York, New Orleans, and Columbia River, though distant respectively from 2000 to 3000 miles, will be politically and morally nearer to one another than London and Edinburgh were a century ago. Free governments in ancient times were necessarily small, because they depend on union of sentiment in the mass of the people; and one citizen could not then know the opinion of another at thirty miles distance. But the post, the press, and the stage-coach, have made it easier to unite twenty millions of men in a common cause in our days, than it was to unite the fiftieth part of the number in the days of Philip of Macedon. And with the means of communication we are likely soon to possess, may we not anticipate that the 150 millions who will inhabit North America next century, will be more completely one people than the inhabitants of France or Britain at this day? It is pleasing indeed to think, that at the moment when the gigantic republics of the new world are starting into existence, the inventive genius of man is creating new moral and mechanical powers to cement and bind their vast and distant members together, and to give the human race the benefits of a more extended and perfect civilisation. Nor ought we to overlook the additional security which an opulent and highly improved country will in future derive from the facility of its internal means of communication. Were a foreign enemy, for instance, to invade England, 500 steam

¹ This is mentioned by Mr. Sanders of Liverpool, in his pamphlet on the projected railway between Liverpool and Manchester. The French are employing themselves in the same way; and I have now before me a work by M. Cordier, a French engineer, on Railways. It is merely an abstract of various tracts published on the subject in England.

waggon could convey 50,000 armed men in one day to the point assailed; and within one week, it would be easy, by the same means, to collect half a million at one spot, all quite fresh and fit for action. We cannot scan the future march of improvement; and it would be rash to say that even a higher velocity than twenty miles an hour may not be found practicable. Tiberius travelled 200 miles in two days, and this was reckoned an extraordinary effort. But in our times a shopkeeper or mechanic travels twice as fast as the Roman Emperor, and twenty years hence he may probably travel with a speed that would leave the fleetest courser behind. Such a new power of locomotion cannot be introduced without working a vast change in the state of society. With so great a facility and celerity of communication, the provincial towns of an empire would become so many suburbs of the metropolis—or rather the effect would be similar to that of collecting the whole inhabitants into one city. Commodities, inventions, discoveries, opinions, would circulate with a rapidity hitherto unknown, and above all, the intercourse of man with man, nation with nation, and province with province, would be prodigiously increased.

Hitherto the superiority of the railway has been deduced chiefly from the facilities it affords for employing a high velocity. But we should err widely if we supposed that its advantages depend solely on this circumstance.

1. The railway has this very great advantage over the canal, that it can generally be made at one-third of the expense. Hence the means are easier raised; the undertaking is less hazardous; and where a miscalculation occurs, failure is less ruinous. The railway also is less destructive to property. It does not interfere with drains, or load the neighboring grounds with an excess of moisture; or interpose so formidable a barrier between the contiguous portions of an estate. It is practicable in a much greater variety of situations. It does not, like the canal, require a supply of water; it can be carried through bogs, beds of gravel, rocks full of fissures, and even quick sands. It can at all times dispense with a perfect level, and, if necessary, it may ascend a hill. Its inclined planes, even with stationary engines, will probably be less expensive than canal locks, and will be passed with less loss of time.

2. In two points the canal may be allowed to have some superiority. It is not shut by snow; and the pathway not being confined to distinct lines, but extending over every foot of its surface, the passing and repassing of a throng of boats presents less difficulty than that of waggon on a railway. On the other hand, the navigation of the canal is obstructed or closed by ice in winter, and droughts in summer; and when thorough repairs are

wanted at a single spot, the communication between its extremities is entirely interrupted. These disadvantages do not apply to the railway.

3. In the canal a more rapid rate of motion than 4 miles an hour is impracticable, or at least is very destructive, and hence it scarcely admits of the application of steam power. Even though an extravagant scale of expense were adopted, and the breadth and depth so much enlarged that steam-power might be employed, it has been shewn that, from the nature of the resisting medium, a high velocity could not be obtained without a prodigious waste of power. The great superiority of the railroad in this point has been already explained. Here, too, it may be observed, that though the indefinite breadth of the waterway in the open sea, renders the resistance perhaps one-third or one-fourth less than in a canal, yet the advantage is more than counterbalanced by the inequality of action in the paddle-wheels, produced by the winds and waves.

4. Railways have this grand advantage, that they may either be usefully combined with the ordinary roads of a country, or be substituted for them, and expanded into a general system of internal communication. Canals, on the other hand, though they facilitate the transportation of commodities between distant parts greatly, are only applicable in peculiar situations, and they incorporate but imperfectly with the ordinary channels of communication. They are rather something foreign and extrinsic introduced for a special purpose, than a constituent part of the general system by which the familiar intercourse between district and district is carried on.¹ Though canal carriage, for instance, is but one-fourth of the expense of carting, a farmer who has produce to send twenty miles, of which a canal would carry it eighteen, will rather send his carts the whole distance, than take the use of the boat, with the trouble and loss of time attending shipping and unshipping. Railways, partly from their comparative cheapness, and still more because they are practicable in all situations, and on inclined as well as level ground, may be ramified over a whole country, and become the universal medium of communication. Not only every town and village, but every considerable farm, may have its branch. And although in the extreme branches the inclination should be unfavorable, and the road of a ruder and

¹ Holland furnishes some curious exceptions to this statement. I have seen a farm in that country so situated, that the produce, not only of every field, but of every separate ridge in the field, could be conveyed to the barn in boats or rafts.

cheaper kind, it will still correspond in its scale with the main trunk ; and the waggon loaded at the farm, though it may require an additional horse in the first and less perfect part of its course, will proceed to the distant market town, without the necessity of transferring its load to another vehicle. The expense and time are thus saved, and the chances of injury avoided, arising from the transference of commodities from one vehicle to another. Let us take an instance. Coals are brought to Edinburgh by the Union Canal, from a distance of 27 miles. They are conveyed from the pit in waggons, along a road or railway. From the waggon they are transferred to the boat ; from the boat, after completing the voyage, to the wharf ; from the wharf to the cart ; and from the cart to the cellar of the consumer. To say nothing of the injury done to the great coal in these numerous shiftings (though that is very considerable,) let us look to the expense. The loading and unloading of the boat costs about 8*d.* per ton ; the loading of the cart and the carting, 1*s.*—in all 1*s.* 8*d.*, which is nearly one-fifth of the price to the consumer. This extra expense might be avoided by the railroad ; for the same waggon which received the coals at the pit, would pass along the branch and main trunk to the city ; and when it arrived there, by slipping on different wheels, or covering its proper wheels with a circular case, it could be made to traverse the streets, and carry its load to the consumer's door. But when railways become general, it is probable that all the principal streets of a city will be fitted with tracts of smooth stone, along which a single horse will be able to drag two or three tons. Produce or goods sent to town from a farm or manufactory in the country, could be loaded in the owner's own waggon, then driven with horses along a branch railway, and when it arrived at the main trunk, the horses might return ; the waggon could be attached with a train of others to the locomotive engine, and so conveyed to the city under the care of the owner's servant, if he chose. By this means the chances of breakage to which delicate articles are exposed in unloading and reloading, and the chances of theft when property is committed to the care of the servants of third parties would be avoided.

In laying down Railroads, it is desirable to keep circumstances of this kind in view, for two reasons. 1. That lines may not be chosen which are merely adapted to some local or limited object—such as the transportation of coal or iron, but such as, without sacrificing objects of this kind, would be calculated to serve the purpose of general thoroughfares for every species of internal intercourse. 2. That the Railroad, by its form, breadth, strength, and other qualities, should be adapted for such an extended and general system of communication. 3. And what is of very great

importance, Railroads designed to serve as commercial thoroughfares, should in every part of the country be made on one uniform scale, that the vehicles which ply on one may be capable of plying on all. Unless this is attended to, the waggons and steam coaches adapted to one Railroad will be of as little use when brought to another, as a cart is when its load is to be carried on a Canal. Counties and districts would in truth be isolated by this want of system, and each, though provided with the most perfect railroads, would be impervious to the travelling machines of the county or district adjoining.

Nothing but experience can tell us correctly the form and proportions of a railroad best calculated for a great system of internal communication. But as we must start on some plan, in order that this provisional plan may be as perfect as possible, it is extremely desirable that we should anticipate, as far as we can, the future results of extensive practice, by experiments skilfully made on a large scale. To render these experiments satisfactory, they should not be confided to mere practical men. A person who is not thoroughly instructed in the powers and properties of matter, and the principles of mechanics, cannot devise experiments so as to meet all the difficulties of the subject; and in the results to which they lead, truths will escape his eye, which would be obvious to the man of science.¹ Without pretending to indicate what course is most advisable, I may observe, that there are two points which it is of much importance to determine—what is the utmost speed practicable for the conveyance of passengers, and what is the most advantageous speed for the transportation of goods. Let us suppose, for instance, that the most eligible rate of motion is found to be 8 miles an hour for the one, and 16 for the other. One consequence would probably follow from this, that as carriages travelling rapidly could not easily pass one another on the same rails, every great railway would have two sets of paths—one for quick, and the other for slow vehicles; and it might perhaps be found expedient also to have these paths of different breadths, strengths, and dimensions. I say two sets, (that is four paths,) because on all much frequented roads, one path would be required

¹ I understand that the Subscribers to the Edinburgh and Glasgow Railway have it in contemplation to engage Professor Leslie (with the assistance probably of Mr. Jardine and Mr. Buchanan) to make experiments for them. The task could not be confided to better hands. It were to be wished that some of the other great companies would unite with the Edinburgh and Glasgow Company as to this object, that the experiments may be made on as large a scale as possible. Unless something of this kind is done, it is easy to see, that many of the roads first formed will be torn up again in a few years, on account of defects in the plan.

for going and another for returning, for each class of vehicles. Perhaps for the same reason it might be found necessary to compel all vehicles to adopt one or other of these fixed rates of travelling. The weight and speed of the vehicle will determine the strength of the rails, and the uses to which it is put, will probably determine the breadth of the path. If, for example, it is intended that the steam-coach shall have the accommodations of the passage boat, the breadth of the vehicle between the wheels would require to be 6 or 8 feet, and that of the road the same. Again, it might be necessary for the rapid vehicles, that the rails should project 3 or 4 inches above the ground and the chains and sleepers, that the engine and coach might be secured against springing off the road, either by a deep flaunch on the wheel, or by a guiding rod projecting downwards, and fitted with a small roller to press against the side of the rail, the moment the wheels began to deviate. With whatever views companies start, it should be their object to obtain an ample breadth of ground: for the most obvious plan of improving railways will be, by laying down new paths on better principles by the side of the old.

It is probable that great improvements will yet be made on the waggons and locomotive engines—by employing large wheels and small axles, by using friction wheels, by making nicer work, &c.

As there are the strongest grounds to believe that Railroads will become, in a short time, the general medium of commercial intercourse, companies which have undertaken to execute such roads in particular districts, should keep their eye on this circumstance. In all great changes much is gained by proceeding on system. The geographical situation of Scotland marks out, in a general way, the direction of the main trunks, and Railways which can readily form portions of these, will have advantages over those which depend entirely on local traffic. A good Tract on this subject, by an able engineer, well acquainted with the levels, and the physical and commercial circumstances of the country, would be useful. One of the great roads from England must obviously enter by the east coast, and the other by Carlisle. We may suppose the former continued through the middle of East Lothian to Edinburgh; thence through Linlithgowshire to Stirling, after sending off a branch to Glasgow; from Stirling along the valley of the Allan and the Earn to Perth; and thence by the coast to Dundee, Montrose, and Aberdeen. From Perth, however, a branch scarcely less important than the main trunk might be carried through the fertile valley of Strathmore, in the line marked out by Mr. Stevenson. The course of the Tweed will afford a separate line into Mid-Lothian, and perhaps into Lanarkshire. The most

advantageous line for the western main trunk would probably be from Carlisle to Dumfries; thence along the valley of the Nith into Ayrshire (the summit level being only about 500 feet above the sea, with an ascent remarkably regular); and by Ayr, Irvine, and Paisley, to Glasgow. A branch line would, of course, run along the coast by Wigton and Stranraer. It is not improbable, that by rails of a cheaper kind—perhaps of wood, like those first used at Newcastle—the benefits of this improvement may even be extended to the Highlands, which are penetrated to a great depth at various points by vallies, often deviating very little from a horizontal level. These remarks, however, are thrown out merely as hints, which may lead others who have greater advantages, to discuss the subject at large.

I have now before me the observations made by an eminent engineer, at the second trial of the locomotive engines on the 22d January at Killingsworth. The engine had two 9 inch cylinders, and a two feet stroke made on an average 51 double strokes per minute, and weighed 9 tons. The pressure was not known, but the engine was probably of 8 horse power. It dragged 12 waggons weighing 15 tons when empty, and 48½ tons when filled (with 33½ tons of coals), five times back and forward over an edge Railroad 1663 yards long, and rising 1-30th of an inch per yard. The greatest speed up was 6.85 miles per hour, the greatest speed down 7.4 miles; the mean 7.125; the mean of the whole journees, over 16,632 yards, (9½ miles) was 6.65 miles. The common speed of the locomotive engine at Killingsworth is about 4 miles an hour; but its ordinary wheels of three feet diameter were in this case replaced by others of four feet. With regard to the nature of the road, Mr. Wood states that a great part of it “was of cast iron rails on the old plan, the joinings of which present great resistance to the carriage wheels: the weakness of the rails, which in some parts weighed 28 pounds a yard only, also prevented the engine from being driven at the greatest speed; for where a part of the road was formed of malleable iron, the engine travelled at eight miles an hour up the plain, and at ten miles an hour down. And it was the opinion of all present, that if the Railroad had been of more modern construction, the performance would have been much greater.” He adds, “by using different sized wheels upon the same engine, I have found, by careful experiments, that up to a speed of seven or eight miles an hour, the performance of the engine is increased in the ratio of the diameter of the wheels used, or that the same quantity of fuel which propels an engine over 36 miles with three feet wheels, will propel it over 48 miles with four feet wheels.” He attributes this to the diminution of the friction, and correctly to some extent; but part of

the effect, I think, may be traced to the principle I have explained, by which, abstracting the resistance of the air, a high velocity may be commanded almost as easily as a low one. The large wheels merely served the purpose of giving effect to the power of the engine at a higher velocity without loss. In the experiment above described, when the engine with four feet wheels travelled 10 miles an hour, the piston rod must have made 70 double-strokes per minute; and in this case it is probable that fully one-third of its power was wasted in producing this very rapid motion.

The coal consumed in propelling the machine during the time it travelled $9\frac{1}{2}$ miles was 360 pounds. Hence, taking the speed of the engine on the more perfect part of the rails as a basis, we may assume as an element in our calculations, that 1 pound of coal suffices to drag one ton of goods ($1\frac{1}{2}$ tons including the waggon) over one mile. The engine performs this besides moving its own weight. Taking the price of coal at 10s. per ton, the expense of fuel will therefore be about 1-20th of a penny per mile for each ton, or one penny per mile for twenty tons.¹

The engine is attended by a man and boy. Supposing their united wages to be 5s., and that during the ten hours they are employed the engine drags 33 tons of goods over 60 miles; and farther, that 5s. more are paid for labor in loading tenders² with water and coals, to replace one another, then we find the expense to be $\frac{10}{33 \times 60}$ sh., or 1-16th of a penny per mile for each ton. The combined expense of coal and wages makes one-ninth of a penny per ton. This may be considered as the cost of traction. The expense of loading and unloading is as much for a short journey as a long one. If estimated at 8d. per ton on a journey of 64 miles, it would be one-eighth of a penny per ton, which, added to the expense of traction, would make about one-farthing per mile, per ton. The interest of the capital sunk in the engine and waggons may be disregarded. Supposing the toll dues to be about 1d. per mile, there is no doubt that goods may be conveyed on railroads at $1\frac{1}{2}$ d. or 2d. per ton. I am disposed to think, therefore, that I was misled, when I stated, on the authority of an English paper, that the expense of steam-power would be greater than that of horse power at low velocities. It is extremely probable that carriage by the locomotive engine will be cheaper than by horses in all cases; and I now find that this

¹ Mr. Wood finds that when wheels four feet in diameter are used, 51½ pounds of coal drag 48½ tons one mile, and this upon a railroad of variable quality. The rate of motion was about 5 miles an hour. The water consumed is about one gallon for 3 pounds of coal. Practical Treatise, p. 349—364.

² A small waggonbearing water and coals follows close behind the engine, and is called the Tender, i. e. the "Attender."

is the opinion of an eminent engineer of this city, who has examined the working of the locomotive system in all its details, on the spot. Moreover, when we recollect that these calculations are founded on experiments made with an imperfect railroad, and with vehicles less perfect than they may yet be rendered, I think we may confidently anticipate that future improvements will enable us to accomplish a great deal more with the same expenditure of fuel and labor.

This low estimate of the expense of Railway carriage, is confirmed by the testimony of Mr. Chapman, an engineer, who has had great experience in these matters. He estimates the prime cost of carriage to a company which should make a canal or railroad, and supply the vehicles themselves, as follows:—"On a canal with vessels in full employment, according as they may be more or less interrupted by locks or other circumstances, $\frac{3}{4}d.$ to $1\frac{1}{2}d.$ per ton per mile. By horses on level railways, including replacement of the horses, $\frac{1}{2}d.$ By locomotive machines (passing through coal districts) including interest, renewal and repairs, and in distances of $1\frac{1}{2}$ miles or more, about 2-5ths of a penny. By stationary engines (in coal districts) from 1-3d to 2-5ths of a penny. Self-acting inclined planes about $\frac{1}{4}d.$ The general inference he draws is, "that, inclusive of interest of capital and repairs of machinery, the conveyance by mechanical means will only amount to from 1-3d to 2-5ths of a penny per ton per mile, under a rapid conveyance of seven miles or upwards per hour; and that conveyance by horses whose rate of motion will fall short of three miles, will cost about $\frac{1}{4}d.$ per ton per mile."—(*Report in Newcastle Courant of 20th Nov.*)

Coal is so useful a species of fuel, that it will command a sale in this country, wherever it can be afforded at a price probably not exceeding 24s. per ton. Supposing the cost at the pit mouth to be 4s., and that by reducing the tolls a little it could be conveyed and delivered at the expense of $1\frac{1}{2}d.$ the ton per mile, coal would in this case bear to be carried 160 miles. Hence the coal of Fife and Mid-Lothian, transported on railways, might find a market in Aberdeen and Inverness.

Grain, on account of the care required to protect it from moisture, might be charged 2d. per ton. Hence, taking the weight of 5 quarters to be equal to a ton, the wheat of Forfarshire might be conveyed to Edinburgh or Glasgow (70 miles) at 2s. 4d. per quarter, the precise sum which it costs at present to cart grain from Dalkeith to Edinburgh (six miles). Potatoes, also, which are sometimes selling at 5s. in the country, and 12s. or 15s. in the capital, would have their price enhanced only about 2s. by conveyance over a distance of 50 miles. But the cheapness of the carriage is but a part of the advantage; for we must recollect, that the commodities car-

ried at this low rate, instead of being detained weeks on the way by wind and tide, would travel with the regularity and speed of the mail coach.

C. M.

Edinburgh, *February*, 1825.

NOTE

EXPLANATORY OF THE LAWS OF FRICTION.

I HAVE had a great number of communications addressed to me on various subjects connected with the laws of friction, which I have neither room nor leisure to answer in detail. A few observations, to render the views I have taken a little more intelligible, are all I can offer.

1. Vince's experiments, though made on a small scale, are very decisive, so far as they go, in proving a uniform acceleration in the case of bodies urged by a constant force, and retarded by friction. The body moved was dragged along a horizontal plane by a weight descending at the end of that plane, and attached to the body by a cord passing over a pulley. In one experiment the weight descended about five feet in four seconds, and, by a moveable stage employed to stop it at any point in its descent, it was ascertained that the spaces described were very accurately as the squares of the times. The experiments were varied and frequently repeated. It is not perfectly clear whether Vince's experiments were made exclusively with sliding bodies; but in the second part of his essay he distinctly applies his conclusions to rolling bodies also.

2. Coulomb's experiments were made on a large scale, and with greater precautions to insure accuracy than those of Vince, with which, however, they agree generally. But he showed that much depended on the matter of which the rubbing surfaces were composed. With oak on oak, and with iron on iron, there was a constant acceleration; but with iron rubbing on oak, the velocity, though it might accelerate for a little, always became very speedily uniform. His experiments on the iron axles of pulleys working in copper, indicate that a constant acceleration exists in this case also, and we may draw the same conclusion by inference, with regard to rolling bodies in general, from these last experiments, in connexion with others made with pulleys and wooden cylinders, to determine the obstruction arising from the stiffness of ropes.¹ The acceleration of a rolling body, when it descends along an inclined plane by its own weight, is familiarly known; but this will scarcely be held quite conclusive as to what would take place on a horizontal surface.

3. I may state, then, to those who doubt this constant acceleration (of whom I find there are many), that, in the case of sliding bodies at least, the acceleration is the fact observed, and not an inference from the experiments. But it must be admitted, on the other hand, that we cannot speak with entire confidence with regard to rolling bodies; and that as to sliding bodies, since

¹ Journal de Physique, September and October 1785.

the velocities employed in the experiments scarcely exceeded one mile per hour, conclusions deduced from these cannot be very securely applied to velocities ten or fifteen times greater.

4. It happens fortunately, however, that within these two days, an account of some experiments has reached me, which supplies the void left by those of Vince and Coulomb, and affords results of the most conclusive and satisfactory kind, not as to friction in general, but as to that combination of rolling and sliding friction with which we have to do in Railroads. It occurred to Mr. Roberts, of Manchester, that he could conduct his experiments with peculiar advantage, if, instead of making the vehicle travel along the Railway, he made the Railway move under the vehicle. He accordingly obtained a cast iron cylinder or hoop six inches broad, and three feet in diameter, which was put into a frame and made to revolve vertically like the fly of a steam engine, by a pulley and strap. Exactly on the top or highest segment of this revolving cylinder, which answered the purpose of a Railroad, was placed a small waggon with four cast iron wheels, weighing with its load 50 pounds. Now, if the cylinder is made to revolve with any velocity, say four miles an hour, and the waggon is held steadily in its place, it is perfectly obvious that the wheels will turn on the curved surface of the cylinder precisely in the same manner as if the waggon had moved along a flat Railroad,¹ and that the force required to hold the waggon in its place, will be exactly equal to what would have dragged it along the level Railroad with the same speed. In order to measure this force, which expresses the amount of the friction, the wire which holds the waggon in its place was attached to a delicate weighing machine, the index of which pointed out the smallest variation of pressure. A tempering screw was employed to keep the centre of the waggon at all times exactly over the axis of the cylinder, that no part of the weight of the waggon might be blended with the pressure produced by the friction. The waggon was protected by a board placed on one side, from the current of air generated by the motion of the cylinder. And it ought to be mentioned as one material advantage attending this experiment, that the disturbing effect produced by the resistance of the atmosphere is completely excluded. With these precautions to insure accuracy, a number of experiments were made. The periphery of the cylinder was made to revolve at different velocities, varying from 2 to 24 miles an hour; but in every case the friction, as indicated by the weighing machine, was precisely the same. That this uniformity of result did not arise from any thing fallacious in the nature of the machinery, was evident; for although the index of the weighing machine was not affected in any degree by an addition to the velocity, it immediately showed an increase of friction when any addition was made to the weight.² This experiment is quite decisive with regard to the grand principle upon which the advantage of the railroad depends, that the friction is the same at all velocities. Had the waggon been placed on a flat horizontal railroad, and urged forward by a weight exceeding in any degree the pressure indicated by the weighing machine, there is no doubt that it would have experienced a continual acceleration, till the extra force was balanced by the growing resistance of the atmosphere.

It is material to observe, that there is one species of friction of consider-

¹ The friction may be a very little greater than on a plane of the same materials, but this will not affect the relative friction at different velocities.

² An interesting account of these experiments, illustrated by an engraving, is given in the *Manchester Guardian* of Feb. 12.—of which the above statement is an abridgment.

able importance, still to investigate—that occasioned by the rubbing of the flaunch or guiding edge of the waggon wheel upon the side of the rail. This will probably be found much greater in practice than what arises from the mere vertical pressure of a cylindrical wheel upon a horizontal surface, and we cannot even be sure that it follows the same law as regards velocity. Mr. Roberts should employ his apparatus to ascertain what the amount of this lateral friction is with wheels of different forms, and also what is the effect of using wheels of various breadths.

VRAI SYSTÈME
DE L'EUROPE
RELATIVEMENT
À L'AMÉRIQUE ET À LA GRÈCE.

PAR M. DE PRADT,
ANCIEN ARCHEVÊQUE DE MALINES.

Le genre humain est en marche, et rien ne le fera rétrograder.

Verum novus oritur ordo.

[Continued from No. L.]

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NO. LI.

G

VRAI SYSTÈME

DE L'EUROPE,

&c. &c.

CHAP. X.—*Que perdent l'Espagne et la Turquie? que gagne l'Europe?*

ICI reviennent les considérations relatives aux spécialités de chaque colonie : celles-ci doivent être appréciées d'après leur éloignement de la métropole, leurs richesses, leur étendue, leur population, leur voisinage, et la facilité de les garder. Autre chose est une colonie qui forme un monde entier, telle que l'Amérique, autre chose sont des points isolés, tels que la Jamaïque et la Guadeloupe, ou des arsenaux tels que la Martinique et Antigua ; autres sont des colonies très peuplées, ainsi que l'est le Mexique, ou des colonies désertes, comme celle de la pointe d'Afrique, le Cap et la Nouvelle-Hollande ; il faut tenir un compte exact de ces différences, pour évaluer une colonie et fixer ce qu'il y a à perdre ou bien à gagner dans sa séparation ou dans sa conservation. Quand une colonie est vaste, riche, peuplée, les accroissemens du commerce provenant infailliblement de l'introduction de la liberté, peuvent servir d'indemnité pour la perte de la propriété territoriale et souveraine. Il y a plus, quand la métropole peut prendre part à ces profits, dans quelques cas, elle peut avoir à gagner en perdant sa colonie, c'est-à-dire en la laissant s'affranchir. Cette théorie n'est pas vaine ; il en existe sous le soleil un exemple visible pour tout l'univers, et bien fait pour dissiper tous les préjugés, même chez les esprits les plus revêches ; c'est celui de l'Angleterre vis-à-vis des Etats-Unis ! Que n'aurait-elle pas gagné à ne pas leur contester leur indépendance ! Quels regrets ne doit-elle pas avoir aux dix-huit cents millions qu'elle a dépensés pour l'empêcher ? Que faisait-elle en s'opposant à l'émancipation de son Amérique ? Le

voici : elle se ruinait pour fermer la source de sa plus grande prospérité commerciale, car les Etats-Unis libres vendent au commerce anglais quatre fois plus que les colonies américaines ne faisaient ; et cette extension du commerce va toujours en croissant, car il est dans sa nature d'aller toujours en augmentant. On pourrait dire que l'Angleterre aurait aujourd'hui le même intérêt à perdre l'*Inde* ; elle a fait à l'égard de ce pays tout ce qu'elle avait intérêt d'y faire ; 1° égaliser l'industrie indienne ; 2° y créer le goût des consommations de l'Europe. Arrivées à ce point, ni l'Angleterre, ni l'Europe n'ont plus besoin de la souveraineté de l'*Inde* ; elles ne doivent plus songer qu'à affermir et à étendre l'empire de leur commerce dans cette contrée. L'extension des relations commerciales avec elle est leur seul intérêt. En se démettant de la souveraineté, elles gagneront les frais de garde et de guerre, elles auront les bénéfices du commerce en produit net. L'Europe a pris la supériorité dans les arts sur l'*Inde* ; celle-ci bénéficiait sur l'Europe par cette supériorité ; elle a passé du côté de l'Europe ; elle n'a donc plus besoin de la souveraineté, ou si elle la retient encore, ce ne peut plus être que comme le moyen d'étendre son commerce dans l'*Inde*. Par la même raison, quand la grande colonie du Cap, quand la Nouvelle-Hollande auront acquis une population nombreuse, l'Angleterre pourra également s'en détacher, en se bornant au commerce avec elles. Je me sens fortifié dans la foi à cette théorie, par ce que lord Palmerston, ministre de la guerre en Angleterre, a insinué au Parlement dans une de ses dernières séances, sur l'opportunité de la conservation de ses colonies pour l'Angleterre. Cette opinion, d'un genre bien neuf, au milieu des préjugés qui règnent encore sur cette matière, provient des lumières nouvelles que plus de réflexions et de faits ont données sur la vraie direction des sociétés. On a été à portée de reconnaître ce qui les sert ou qui leur nuit ; et dans cette honorable carrière, la justice oblige à l'avouer, le gouvernement anglais prend une glorieuse initiative ; chaque jour il abat un pan du vieil édifice des préjugés malencontreux qui ont si long-temps pesé sur l'Europe, composé une direction désastreuse pour elle, et obstrué les voies de la vérité. Mais enfin, celle-ci s'est fait jour ; elle éclaire d'une lumière nouvelle toute cette question des colonies, une des plus maltraitées de toutes celles qui ont pris place dans la direction des sociétés et des intérêts humains. Cette lumière montre et fait ressortir le principe élémentaire dans l'ordre colonial, celui que la souveraineté et la propriété n'y sont pas toujours nécessaires, et qu'elles peuvent être suppléées avec avantage par l'extension du commerce. Voilà la nouvelle clarté à la lueur de laquelle on va désormais marcher, et qui de plus révélera la vérité la plus précieuse pour le genre humain ; c'est que le moyen de prospérer soi-même, est de faire prospérer les autres, et tel est l'effet

infaillible du commerce. Jusqu'ici, on a voulu prospérer par le mal d'autrui; mieux informés, on ne cherchera plus à le faire que par le bonheur général. D'après ce principe, recherchons ce que l'Espagne retirait de l'Amérique, par la souveraineté et par la propriété, et voyons ce qu'elle peut récupérer par les relations commerciales croissantes avec l'Amérique; ce que lui valait l'Amérique colonie, et ce que peut lui valoir l'Amérique indépendante, et améliorée par l'indépendance.

Depuis l'ouverture des douze ports de la Péninsule avec l'Amérique, en 1778, le produit net de l'Amérique pour le gouvernement de l'Espagne, a été annuellement de 60,000,000 f. On ne peut pas évaluer également les produits du commerce; car ils se composaient en grande partie d'objets étrangers; il passait par des mains étrangères, et aboutissait à des marchés étrangers; presque toutes les maisons de commerce en Espagne étaient étrangères; de plus, il faut tenir compte des frais de guerre et des pertes occasionnées par les interruptions de commerce que causaient les guerres: alors l'Espagne était obligée de recourir à des voies détournées pour faire arriver chez elle ses revenus américains, et cette voie est toujours fort chère. De 1761 à 1814, dans un espace de cinquante-trois ans, l'interruption par la guerre en a rempli dix-neuf, c'est-à-dire plus du tiers. Si toutes les pièces de cette grande comptabilité étaient recueillies avec soin, peut-être, au grand étonnement de tout le monde, finirait-on par trouver que l'Espagne n'a rien gagné, et qu'elle a perdu à posséder l'Amérique. L'état dans lequel cette riche possession, après trois cents ans de jouissance, a laissé l'Espagne, autorise à ne pas regarder cet aperçu comme arbitraire. Supposons un autre ordre de choses, celui qui existe; l'indépendance de l'Amérique peut-elle offrir à l'Espagne de quoi compenser la perte de sa souveraineté? pour cela, il faut voir ce qu'est l'Espagne, et ce que va être l'Amérique indépendante.

L'Espagne n'a-t-elle pas dans son propre sein, abondance et excellence de toutes choses? L'Espagne ne fait-elle point partie de cette zone éclairée et policée dans laquelle l'esprit humain, père des arts, des talents, de l'industrie, peut s'exercer librement? Qui borne l'Espagne dans le développement de ses facultés, dans l'exploitation de son sol, dans la fabrication de ses matières premières, dans l'amélioration de ses champs et de ses ateliers? Où donc se montre l'obstacle? Dans les choses ou dans les hommes? Quand l'Espagne voudra, elle centuplera ses moyens de commerce avec l'Amérique; ne l'a-t-elle pas fait en 1778, à l'époque de l'ouverture des douze ports? alors la Catalogne et les Asturies changèrent de face. L'Espagne a, pour se rassurer sur ces pertes tant redoutées, un exemple personnel. L'exclusif du commerce passait chez elle pour le pivot de l'ordre colonial, pour le *palladium* de ses intérêts

en Amérique ; il fallait le maintenir à tout prix. Le conseil des Indes à Madrid aurait cru que tout était perdu par l'infraction de cette vieille loi. Qu'arrive-t-il dans ce moment même ? Pendant la guerre de 1796 à 1814, l'île de Cuba rompt l'exclusif du commerce espagnol, et ouvre tous ses ports ; en 1814, l'Espagne repa-
 raît, mais elle revient avec son vieux système. On veut bien d'elle, mais non plus de son régime ; il faut y renoncer ou subir l'indépendance. Les hommes de routine ne manqueront pas de croire qu'avec la perte de son exclusif à la Havane, l'Espagne y a perdu tous ses revenus ? C'est tout le contraire qui a lieu. Le port de la Havane, qui, sous le régime exclusif, ne recevait pas vingt vaisseaux par an, en a compté douze cent cinquante en 1824 ; les quatre autres ports de l'île en ont reçu dans la même proportion. Qu'on interroge les registres de la douane à Cuba, et que l'on voie si, dans cette liberté de commerce qui a procuré ce prodigieux accroissement du mouvement commercial, si, dans l'accroissement du produit des terres, de leur prix, de l'industrie et des consommations, il ne se trouve pas un dédommagement surabondant pour les pertes qu'a pu occasionner la suppression de l'exclusif. Quand l'Espagne possédait l'île de la Trinité, elle la possédait en vain, car elle l'avait complètement stérilisée ; le régime anglais et le voisinage de la côte ferme l'ont prodigieusement vivifiée dans le cours de quelques années. Supposons que l'Espagne, après avoir cessé de la posséder, établisse des relations commerciales avec elle ; ne tirerait-elle pas par cette voie des produits plus abondans qu'elle ne le faisait par la propriété même ? Eh ! qu'importe la source du produit ? le moyen n'y fait rien ; qu'il vienne par la souveraineté ou par le commerce, quelle est la différence ? Celle-ci n'existe point par le principe, mais par le résultat, la quotité ; la même chose se représente encore à la Nouvelle-Orléans. Que rendait-elle à l'Espagne par la propriété ? Qu'était-elle pour l'Espagne par la souveraineté ? En 1824, elle a admis huit cents vaisseaux, là où, sous le régime de l'Espagne, elle n'en recevait pas vingt. Cette augmentation de richesse n'offre-t-elle pas à l'Espagne, quand elle le voudra, un dédommagement bien supérieur à la perte qu'elle a pu faire par la cession de la souveraineté et du territoire ? L'Espagne se trouvera, vis-à-vis de son Amérique, dans la position où l'Angleterre s'est placée vis-à-vis de la sienne ; elle croyait y perdre, elle y a immensément gagné. Et comment douter de ce résultat, en contemplant le superbe et immense marché de l'Amérique libre de tout demander, de tout recevoir, de tout produire ? Qui peut assigner des bornes à la population d'un sol de cette étendue, de cette richesse, pénétré par tant de fleuves, bordé de tant de rivages, partagé entre l'aspect de l'Asie et celui de l'Afrique ? En quoi peut-on comparer les effets de l'ordre passé à ceux du nouveau ? Et c'est

là ce qui trompe ; on juge de l'Amérique libre, par l'Amérique esclave, fermée par l'Espagne, enchaînée à l'Espagne ; de l'Amérique centre de l'univers, par l'Amérique exclue de l'Univers par l'Espagne. Oui, le langage humain est impuissant à peindre ce que la liberté de l'Amérique sera pour l'univers ; sa première découverte ne fut rien auprès de ce que fera la seconde, sa libération, qui est une nouvelle découverte de ce pays. Cette liberté devient une seconde création pour le genre humain, et qui redressera presque toutes les difformités qui, dans l'ordre social, ont fait la règle commune depuis la première. On ne sait pas assez ce que c'est que la liberté de l'Amérique, ce qu'elle renferme pour le genre humain, et l'immense influence qu'elle aura sur ses destinées. De nos jours le centre de gravité du monde est trouvé, il est en Amérique. Et que l'on ne dise pas que le bénéfice des relations avec l'Amérique s'amincira en se partageant entre tous les peuples, et que la part de l'Espagne sera moindre ; erreur et préjugé que cela, ignorance de la marche des affaires humaines. Tout le secret est de faire prospérer pour prospérer soi-même. Est-ce donc qu'en Amérique il n'y aura point de place pour tout le monde ? Ce ne sera pas elle qui manquera à l'Europe, mais l'Europe qui manquera à l'Amérique. L'Angleterre partage bien le commerce des États-Unis avec les autres peuples ; s'aperçoit-on que le partage lui nuise ? Elle a ouvert l'Inde au commerce américain ; s'aperçoit-on que le sien ait diminué par cette concurrence ? Tous les peuples ne sont-ils pas admis chez tous les peuples ? Quel tort cela leur fait-il ? Il s'ensuivrait de cette théorie excluante, que tout le commerce devrait appartenir à un seul, et qu'il aurait le droit de le réclamer, en alléguant la crainte des pertes que l'admission des autres pourrait lui causer. L'Espagne aura donc à cette *indemnité* la part qu'elle voudra y prendre, celle-ci dépendra de son travail et de son industrie ; désormais on n'a plus rien pour rien, le monde en sait trop pour cela, et les droits de la paresse sont abolis. Que l'Amérique prospère, et l'Europe avec l'Espagne prospéreront par elle et au même degré qu'elle ; voilà tout ce qu'il y a à souhaiter pour toutes les deux, le sort des unes est attaché à celui de l'autre.

Le même calcul ne peut pas être appliqué à la Grèce : là, tout sera en pure perte pour la Turquie. Dans ce pays, la religion est un poids imposé, un absorbant sur toutes les facultés de l'homme, elle le poursuit dans la loi civile. Pour faire d'autres choses en Turquie, il y faut d'autres hommes ; chez elle, une révolution ne peut être que la substitution d'un autre peuple à celui qui l'habite ; tant que le pays sera habité par des Turcs, il sera *Turc*. Sélim III a péri victime de l'introduction d'innovations devenues indispensables pour la sûreté de l'empire. Dans ce pays, comme ailleurs, il peut naître un homme de génie, mais il n'aura pas de successeur ; le

peuple entier fait l'interruption, la masse totale de l'Etat résiste. Le czar Pierre, de tous les hommes celui qui peut-être était le plus fait pour régénérer un peuple, aurait glissé sur Constantinople, ou bien y aurait péri; il n'aurait pu transférer l'empire ni sa personne hors du sérail. En lui supposant personnellement tout le succès, tout le bonheur possible, c'est-à-dire celui de ne pas périr de la main du fanatisme et de l'ignorance alarmée, le bien s'arrêterait à lui; son successeur eût été *Turc*, et il n'y aurait eu rien de fait... Ce pays est incurable; dans cet état, la séparation de la Grèce tournera tout entière en perte pour la Turquie; celle-ci ne remplacera pas les tributs par le travail qui étend le commerce. Quand elle ne reçoit pas de l'argent comme tribut, la Turquie ne sait pas le faire arriver par le commerce, et c'est en cela que consiste l'art des dédommagemens créés par la civilisation moderne. Elle donne les moyens de substituer les bénéfices du commerce à ceux de la souveraineté; mais les Turcs n'en sont pas encore là. Quand, à force d'entasser des fautes, ils seront expulsés de la Grèce entière, ils ne songeront pas à tracer un sillon de plus, à élever une nouvelle fabrique; ces fidèles croyans se borneront à dire : *Allah ! Allah ! Dieu est grand et Mahomet est son prophète* : et avec ce beau dédommagement, ils iront compléter le dessèchement et la ruine de l'Asie et de l'Afrique. Race fatale à l'humanité, dans les veines de laquelle circule l'instinct de la destruction, qui a des mains et des pieds de fer pour tout briser, des sens fermés à tous les instincts nobles, éclairés, généreux; peuple voué aux fers et aux ruines, s'y complaisant silencieusement comme dans l'état naturel de l'humanité, mettant la jouissance dans les privations, sortant d'un sommeil apathique pour se livrer à l'extermination; fléau de l'Asie et de la terre des Ptolomée, ayant changé en désert ces merveilles du monde, et couvert ces fertiles rivages, qui autrefois nourrissaient Rome, d'une classe d'êtres stupides et féroces, dignes d'être issus des monstres qu'enfante le dur sein de l'Afrique.

Maintenant, si l'on demande quel est l'intérêt de l'Europe dans ces deux révolutions, je répondrai : il est double : 1° intérêt de civilisation ; 2° intérêt de fortune. Ceci veut être expliqué.

Quel est aujourd'hui le besoin essentiel de tous les peuples ? la civilisation ; quelle est la source de l'accroissement de leur fortune ? la civilisation ; à quoi servent à l'humanité des êtres que le défaut de civilisation rend tout-à-fait étrangers aux communications établies entre tous les hommes ? à rien, moins encore que les animaux, dont au moins la dépouille prête à des usages utiles à l'homme, Qu'a fait de l'Europe la civilisation établie et croissante au milieu d'elle ? Un temple des arts, où la multiplication des prêtres fait des victimes avec ceux dont les talens restent sans emploi, talens que l'inaction indigente peut rendre perturbateurs, et que l'éduca-

tion, par sa diffusion, élève sans cesse au-dessus du niveau des moyens de les employer. Avec cette pléthore de talens existans et inoccupés en Europe, quel est le besoin de celle-ci? N'est-ce pas d'ouvrir des débouchés à tout ce superflu, et par conséquent de propager la civilisation? Mais où cette propagation désirable peut-elle mieux se rencontrer que dans la révolution de l'Amérique et de la Grèce? Quelles carrières n'ouvrent-elles pas? Là c'est un monde entier qui fait appel à l'esprit et aux arts qui manquent chez lui; ici c'est une contrée vaste, féconde, qui se rattache à l'Europe et à ses mœurs; car elle appartient à l'Europe, et le cimetière turc l'a donnée à l'Asie, mais elle revient à l'Europe et rentre dans l'état de sa première nature. Dans les deux pays, tout est à créer, tout est à faire : avec eux, il y a de l'emploi pour tous les talens que l'Europe crée et développe. Que l'on voie à quelles richesses et à quels besoins ils auront à correspondre. Au-dessus de ces considérations d'intérêt intérieur, s'en élève une autre d'un ordre plus relevé encore, car il atteint et comprend l'humanité même. La révolution grecque à la fois refoule la barbarie turque au dehors de l'Europe, et allume un flambeau à la vue de l'Asie, cette masse continue de barbarie et de superstition; de cette Asie, où la dégradation est l'état général de l'espèce. Le phare ne restera pas toujours inaperçu, toujours quelque rayon perce aux lieux interdits à la lumière avec le plus de soins; cette révolution de la Grèce est donc un moyen de civilisation générale propre à entamer cette immense zone de barbarie qui règne d'un bout de l'Asie à l'autre. Les îles grecques sont disposées de manière à agir continuellement sur l'Asie, et à la faire, avec l'aide du temps, participer à leur nouvelle manière d'être. Mais à mesure que l'Asie se rapprochera de la civilisation de l'Europe, elle participera davantage à ses goûts; l'un ne peut plus aller sans l'autre. L'avancement de la civilisation en Asie deviendra donc encore pour l'Europe une cause efficace d'accroissement de commerce et de richesses; cette source d'avantages, quoique détournée, ira se joindre à ceux qui frappent tous les yeux dans la révolution de l'Amérique : voyez avec quelle avidité on y court, et on voudrait y courir! Avertis par l'exemple de l'Angleterre, tous les Européens voudraient se précipiter vers ces riches contrées, et murmurent des obstacles qu'on oppose à leur élan. La fortune de l'Europe est évidemment en Amérique; cette même fortune s'accroîtra aussi par la révolution de la Grèce, destinée à substituer un peuple européen à un peuple asiatique, un peuple chrétien à un peuple mahométan, un peuple multipliant à un peuple infécond au milieu des voluptés, un peuple travaillant à un peuple inerte, un peuple consommateur à un peuple *abstème*, et qui préfère les privations aux jouissances. Quand Hydra, Ipsara, Scylla, étaient des rochers nus, leur population pauvre et bornée ne produisant

pas, ne pouvait pas consommer. L'activité, le commerce ont fixé leur siège dans ces lieux ; l'abondance, la richesse, la consommation, y sont venues à leur suite ; il en sera de même de la totalité de la Grèce, quand elle sera purgée de Turcs et de leurs lois absurdes, quand elle pourra former des relations partout où elle apercevra des avantages à le faire. Athènes, Corinthe, les vallées, les montagnes ne reprendront pas leurs enchantemens poétiques ; mais ils recouvreront des palais, des habitans, de la verdure et des moissons. Qu'en Grèce il n'y ait plus de *Turcs* pour tout détruire, et de nouveau tout se vivifiera. Qu'il y ait un peuple d'Europe, et non plus un peuple d'Asie ; des hommes qui sachent arrêter la peste, et non pas des êtres assez stupides pour vivre et mourir avec elle, en étant eux-mêmes la peste du monde.

La Grèce aura encore long-temps à être menacée par l'Asie et par ses oppresseurs expulsés ; cette crainte l'attachera à l'Europe et à la civilisation, comme à des moyens de défense contre ses ennemis, et cette terreur prolongée ajoutera ses aiguillons à l'amour que, dans sa seule beauté, la civilisation est si bien faite pour inspirer et faire ressentir à la Grèce.

Voilà ce que l'Europe a à gagner à l'indépendance de l'Amérique et de la Grèce ; ce tableau n'est qu'une faible esquisse des avantages incalculables qu'elle est appelée à en retirer ; il est réservé au temps de les développer, lui seul est de mesure avec un aussi grand résultat, il ne nous revient que de dire qu'il surpassera tout ce que la parole et même la pensée peuvent exprimer ou concevoir.

CHAP. XI.—*Pertes de l'Europe dans le retard ou le refus de la reconnaissance de l'indépendance américaine.*

Nous avons vu dans le chapitre précédent quels immenses avantages attendaient l'Europe par la révolution de l'Amérique. Aujourd'hui c'est un point convenu dans le monde entier ; les ennemis mêmes de cette révolution ont cessé de le contester. Par conséquent, tout retard, tout refus opposé à cette révolution, porte avec lui le caractère d'un retrait fait au bien-être général de l'Europe ; c'est un mal qu'elle se fait à elle-même, en pure perte et sans compensation possible, en l'honneur d'une vaine théorie, d'un système qu'elle abandonne ou réclame suivant l'occasion. Pendant qu'elle hésite, l'Angleterre et les Etats-Unis ont franchi la barrière devant laquelle elle reste arrêtée et comme immobile ; elle se prépare ainsi de longs et amers regrets, et se condamne à n'avoir en partage que les restes de ses devanciers. Les Anglais, arrivés les premiers en Amérique, ne peuvent manquer de donner à la population le goût de leurs produits de toute espèce ; ils y donneront la direction au commerce, ils y appliqueront leurs capi-

taux aux plus lucratives entreprises ; ainsi, ils primeront tous les autres peuples, comme ils ont fait partout. Quand ceux-ci, se ravisant enfin, mettant fin à leurs dégoûts, viendront se présenter à leur tour, ils trouveront les bonnes places occupées, et il ne sera pas facile d'en faire descendre des hommes appuyés par leur richesse, par des établissemens formés, et par la faveur du pays. Les Anglais seront considérés en Amérique comme ils l'étaient en Espagne pendant la guerre de Napoléon. La raison en est simple : pendant que l'Europe ne montrait que dégoûts pour la révolution de l'Amérique, l'Angleterre la laissait aider par l'or et par l'épée de ses citoyens. Elle lui envoyait des représentans, et la prenant sous sa protection, sans la blesser en prononçant ce nom, elle la préservait des attaques de l'Europe : car c'est bien elle qui a enchaîné au rivage les armemens que l'Europe n'eût pas manqué de lancer contre l'Amérique, bienfait immense qui a fait le sort de l'Amérique, et qui donne à l'Angleterre toute espèce de droits à sa reconnaissance. L'Angleterre a bien plus fait par une simple note diplomatique en faveur de l'Amérique du sud, que la France ne fit pour l'Amérique du nord avec sa flotte et son armée. Ceci est d'une importance que les gouvernemens européens n'ont pas assez appréciée.

En Europe, on ne cesse de se plaindre de la suprématie de la marine anglaise. Il est vrai que cette prépotence est bien marquée ; mais toutes ces plaintes ne remédient à rien, un peu d'attention sur ce qui se passe vaudrait mieux. L'Angleterre est supérieure sur mer à toute l'Europe séparée ou réunie. La dernière guerre a mis cette vérité hors de contestation ; mais comment rompre cette chaîne ? où placer le levier propre à soulever ce fardeau ? Cela est fort simple : en Amérique ; il est là, et ne peut plus se trouver que là. Dans la dernière guerre, déjà l'on a vu les Etats-Unis lutter avec honneur contre la fière dominatrice de l'Océan, et tourner contre elle le grand art dont elle lui avait donné les leçons : Si donc vous pouvez multiplier les points résistans, avec eux vous multipliez les points d'arrêt contre l'Angleterre ; vous lui créez des rivaux, vous divisez ses forces. L'Amérique compte sur ses longs rivages une étendue de quatre mille lieues de côtes ; les ports y abondent en nombre et en sûreté ; tous les matériaux de la marine se trouvent sur son sol en quantité et en qualité supérieure ; des fleuves sans nombre et semblables à des mers la traversent en tout sens, et pénètrent dans son intérieur : l'Amérique est donc appelée à une grande puissance navale ; par conséquent, c'est de chez elle qu'il faut attendre les libérateurs des mers et les vengeurs de l'Europe. A son tour, celle-ci sera émancipée par l'Amérique, et l'indépendance de l'Amérique est destinée à faire celle de l'Europe. Chaque matelot, chaque vaisseau américain épargnent

à l'Europe un matelot et un vaisseau, en créant pour l'Angleterre le besoin d'un vaisseau et d'un matelot de plus. L'Angleterre ne bloquera pas Buenos-Ayres, Porto-Cabello, la Vera-Cruz, Lima, Panama, Valparaiso, comme elle fait Brest, le Texel ou Copenhague : à cette distance de ses arsenaux, de ses relâches, de ses renforts, de ses conseils, la puissance navale de l'Angleterre perd une partie des avantages qui la font prévaloir en Europe pour l'inflimer, il faut l'attirer au loin, la forcer de diviser ses forces ; par conséquent, en s'opposant à la libération de l'Amérique, en travaillant à la rendre à l'inutile, à l'inerte Espagne, l'Europe travaille à empêcher le moyen le plus efficace de son affranchissement du joug maritime de l'Angleterre : ce qui établit dans cette question l'interversion de rôle la plus singulière dont on puisse se faire idée, car ce serait à l'Angleterre à faire ce que fait l'Europe, et à l'Europe à faire ce que fait l'Angleterre. Les attributs maritimes formeront le caractère distinctif des nouveaux Etats américains ; tous sont placés sur la mer, quelques-uns sont tournés à la fois vers l'Europe et vers l'Asie ; les fleuves, les lacs sont nombreux et immenses dans cette contrée ; les barrières naturelles qui les séparent les mettront à l'abri de guerres qui, dans cet Etat, ont rarement des motifs réels, et qui n'offrent pas de chances de succès ; toutes les forces de l'Amérique se tourneront donc vers la mer, qui les appelle. Avec le temps, et il en faudra moins qu'on ne le pense, l'Amérique étalera aux yeux du monde étonné, le spectacle d'une grande puissance maritime, et qui dépassera de beaucoup ce que l'Europe peut produire en ce genre : déjà l'Amérique du nord, après quarante-cinq ans de liberté, compte 70,000 matelots enregistrés, et 13,000 vaisseaux de commerce ; l'Angleterre n'en comptait en 1823, que 24,542 ; on peut juger ce que l'Amérique entière en possèdera ; on les comptera par centaines de mille. C'est dans cette latitude d'avenir qu'il faut apercevoir la cause de l'Amérique, loin de la circonscrire comme on le fait, dans le souvenir du passé, dans l'aspect du présent, qui est le résultat de ce passé, dont les funestes principes et les hideux résultats vont faire place à tout ce qui vivifie les sociétés humaines. L'opposition de l'Europe à l'indépendance américaine, est donc au nombre des plus domageables contre-sens qu'un Etat puisse commettre ; c'est une espèce de suicide qu'il commet sur lui-même.

CHAP. XII.—*Opinion et vœu de l'Europe sur l'indépendance de l'Amérique.*

Ce nom de l'Europe revient souvent dans cet écrit ; force m'est

d'en user, car il s'agit de sa direction politique, et de la part qu'y prennent par leur opinion tous les membres de la société européenne; aujourd'hui chacun a une opinion et un parti pris sur chaque chose, et comment pourrait-il se faire que cette disposition universelle ne s'étendît pas à une cause de la nature de celle de l'Amérique? Il y a donc en Europe une *opinion* et un *vœu* sur cette grande affaire. Le vœu peut être conforme ou contraire à la direction politique des gouvernemens; par conséquent, pour s'assurer de sa nature véritable, il faut distinguer entre les élémens qui concourent à la former: ce sont, 1° les gouvernemens, 2° les particuliers. Ceux-ci, entraînés par le mouvement général de l'État, peuvent suivre et même servir sa direction, sans pour cela partager l'opinion qui la produit. Il ne faut donc pas calculer l'opinion totale par le nombre apparent de ceux qui la suivent, ou même qui la servent; car il peut fort bien se faire que cette coopération ne soit qu'apparente, et l'effet du devoir, et non pas celui de la conviction. De plus, l'Europe est dans un état de contrainte politique qui oblige les États faibles à une dissimulation égale à celle dont les particuliers usent à l'égard des pouvoirs locaux. De toutes parts, dans l'ordre général et dans l'ordre privé, il règne une égale pression qui force les États faibles et les sujets à cacher, à renfermer au fond des cœurs les sentimens dont la manifestation peut entraîner des dangers: par conséquent, pour les reconnaître, il faut franchir les apparences qui les couvrent, et s'adresser aux causes qui les produisent. Là, on est sûr de n'être pas trompé: la nature des choses exclut toute crainte de déception. Le besoin de déguisement général est le résultat du système établi depuis quelques années. L'Europe est partagée entre des souverainetés suzeraines et vassales; c'est la féodalité transportée dans l'ordre politique; on disait en style féodal, *Point de terre sans seigneur*; on peut dire, *Point de principauté inférieure sans suzerain*. Ceci est l'œuvre de la Sainte-Alliance; par elle, une fédération d'un genre nouveau, unique, mal défini, et par là même commode pour l'extension de sa juridiction, s'est élevée sur l'Europe; elle commande à la façon de Jupiter, d'un signe de tête; elle cache son action habituelle sous les formes de la liberté laissée à chacun, elle la couvre du silence; dans les grandes occasions, elle accourt, elle intervient, elle montre ses longues lignes de soldats: on la sent irrésistible, on se tait. On en faisait autant, quand Napoléon faisait de même, mais on n'en pensait pas moins: les faibles n'ont fait que changer de terreur. L'Angleterre seule est hors de page: pour celle-ci, elle parle et agit comme ou le fait quand on se sent invulnérable; aussi sait-on bien ce qu'elle pense, et ce qu'elle veut. Pour connaître ce que pensent aussi ceux qui sont moins invulnérables, à défaut de signes extérieurs, propres à manifester leur pensée, il faut rechercher leurs intérêts; là, on

trouve de quoi former un jugement solide. La zone silencieuse de l'Europe est formée par la Suède, le Danemarck, le royaume des Pays-Bas, et les princes allemands. Les trois royaumes sont des Etats maritimes : l'indépendance de l'Amérique est trop dans leurs intérêts, pour ne pas entrer dans leurs vœux. Tout le littoral allemand de la Baltique est dans la même position. Le Rhin, le Vezér et l'Elbe, sont les grandes artères de l'Allemagne. Les Etats que leur cours vivifie, doivent désirer la liberté de les charger directement de leurs produits pour l'Amérique, et la faculté de recevoir les siens par la même voie : par conséquent, l'Allemagne doit envisager l'émancipation sous les mêmes rapports que le font la Suède et la Hollande ; elle lui est bonne, comme à ces Etats, elle doit donc la désirer autant qu'eux. Voici pour l'ordre politique.

Quel esprit, quelle occupation dominant aujourd'hui en Europe ? celui du commerce et des emplois producteurs pour la société ; c'est là le fond des choses, le reste en est la décoration ou la superfétation. Le développement de l'industrie, l'accroissement de la richesse, ont fait cet état de l'Europe ; il ira toujours en augmentant ; par conséquent toutes les classes vouées au commerce, à l'industrie, aux professions laborieuses, lucratives, productives, se réuniront dans le vœu de la richesse, et l'Amérique est la mère de la richesse ; comment pourrait-il se faire que ces classes ne se réunissent pas dans le vœu de s'y associer et d'y puiser ? Entendez tous les vœux que fait éclater l'exemple de l'Angleterre, et les regrets qu'exhale l'interdiction du partage des avantages que sa direction lui alloue ; joignez à ces classes actives, tous les hommes spéculatifs dans l'ordre social, toute la littérature, toutes les professions libérales, tant celles qui habitent les domaines de la Sainte-Alliance, que celles qui sont au dehors ; et vous aurez la juste mesure de l'opinion et du vœu de l'Europe sur la question de l'Amérique. D'un côté, vous aurez les cabinets de la Sainte-Alliance, et l'aristocratie européenne ; de l'autre, la totalité de la population ; c'est le même partage qui se fait ressentir en tout : deux sociabilités, deux populations, deux optiques, deux vœux, deux langages. Changez, modifiez l'action du pouvoir, vous avez un monde autre que celui que l'on voit. Sûrement à Bordeaux, au Havre, à Anvers, à Hambourg, on ne juge pas la question de l'Amérique comme on le fait à Vienne et au faubourg Saint-Germain. La décision de questions de cette nature appartient plus naturellement à des ports de mer, qu'à des conseils qui commencent par sacrifier les grands intérêts à des théories dont la vérité ne frappe qu'eux seuls. Ce vœu de l'Europe est si évident que le jour qui lèverait l'interdit qui lui ferme l'Amérique, serait célébré comme le fut celui du jour où le consul de Rome fit annoncer à la Grèce le rétablissement de sa liberté ; on peut en juger par les joies qui ont éclaté en Angleterre et aux

Etats-Unis, quand leurs gouvernemens respectifs ont proclamé l'ouverture de toutes les portes, et la destruction de toutes les barrières qui fermaient l'Amérique. *

On a de la peine à concevoir la préférence donnée au système propre à faire naître les mécontentemens, à faire éclore les reproches fondés sur les comparaisons avec l'Angleterre, et sur l'infériorité que l'on se prépare avec elle, lorsqu'elle aura eu le temps de former, d'étendre, et d'affermir ses établissemens. Ces plaintes, ces craintes sont légitimes ; de grands sacrifices exigent la démonstration de grands avantages, et cette question n'offre aux retardataires de la reconnaissance, que des déficit pour eux, et des bénéfices pour leurs rivaux.

CHAP. XIII.—Guerre contre l'Amérique.

Elle peut être faite de deux manières : 1° par l'Espagne seule ; 2° par l'Espagne soutenue par des auxiliaires, c'est-à-dire par la Sainte-Alliance et la France. Dans ce cas, celle-ci serait appelée à jouer le même rôle que dans la guerre de la Péninsule ; il est bien évident que le fardeau retomberait encore sur elle, car elle a ce qui manque à ses associés, de l'argent et des vaisseaux.

Toute cette question peut être tranchée en deux mots : 1° L'Espagne ne peut point faire la guerre contre l'Amérique ; 2° la Sainte-Alliance le peut, mais l'Angleterre ne le permet pas, et *sans sa permission l'on ne passe pas*. La guerre contre l'Amérique est donc impossible, et ne se fera pas. Nous nous en tiendrions là, s'il ne s'agissait pas d'extirper de tous les esprits une idée à laquelle un grand nombre tiennent par trop de motifs pour céder à un premier aperçu, quelque décisif qu'il puisse être. Il faut aller plus loin, et leur démontrer la vanité d'un espoir auquel ils n'ont pas renoncé, même après les sévères leçons que les faits leur ont données.

1° L'Espagne a-t-elle des hommes, de l'argent et des vaisseaux ? Une guerre d'Amérique se fait-elle sans ces trois conditions ? En quelle quantité une guerre efficace contre l'Amérique exige-t-elle l'emploi de ces moyens ? A quoi servirait une armée peu nombreuse ? N'est-ce pas une pitié véritable que ces envois de un ou deux mille hommes que l'on voit faire en Amérique, avec un égal mépris de la raison et de l'humanité ; car quelques milliers d'hommes lancés au hasard sur le vaste continent de l'Amérique sont des victimes dévouées à la mort ou à la captivité, et non pas

* Pendant que ceci s'imprimait, les papiers publics du 19 mars, annonçaient que les Etats provinciaux de la Poméranie, avaient fait connaître au roi de Prusse, leur vue pour la conclusion de traités de commerce avec les Etats indépendans de l'Amérique.

des appuis pour l'Espagne? Que peut donc faire l'Espagne contre l'Amérique? Elle n'a pas un homme à y envoyer par chaque vingt lieues carrées du sol de l'Amérique. Déjà n'y a-t-elle pas envoyé ses meilleurs soldats? Qu'ont-ils fait, et combien en est-il revenu? A-t-elle des généraux plus habiles, plus dévoués, plus persévérans que l'ont été les *Morillo*, les *La Serna*, les *Valdez*, les *Canterac*? Comment donc renouveler la guerre? car, après les derniers évènements du Pérou, c'est une guerre à recommencer sur de nouveaux frais. S'il a fallu vingt mille hommes en la commençant, il en faudrait cent mille après les victoires des indépendans. Novices, ils ont triomphé des premières armées de l'Espagne; aguerris, formés par dix années de combats, ils les écraseraient. De tant de royaumes et de provinces que l'Espagne a possédés en Amérique, que lui reste-t-il? *un donjon, le château de Saint-Jean-d'Ulloa*. Les indépendans tiennent tous les points fortifiés, Carthagène, Porto-Cabello, Porto-Bello, Panama; tout est à eux. Où l'Espagne porterait-elle la guerre? A Buenos-Ayres? Comment aborder, l'attaquer, s'avancer dans le pays? Au Chili, au Pérou? Il faut transporter une armée au-delà du Cap de Horn. A Colombie? où prendra-t-on terre? La côte est défendue, l'armée et la population borderaient le rivage. Au Mexique? Le point d'abordage, la *Vera-Cruz*, est occupé par les Mexicains. L'armée américaine est nombreuse, aguerrie. Tous ces états commencent à former une marine; elle protégerait l'approche des côtes. Toute la fédération américaine accourrait au secours du point attaqué. On ne serait point aidé par l'ancien parti espagnol qui a favorisé la métropole dans la première guerre; il a péri, ou il craint et n'oserait pas se montrer, averti qu'il est par les revers de l'Espagne, et redoutant les vengeances du pays. Une grande expédition prendrait beaucoup de temps en préparatifs, par là même l'Amérique aurait celui de faire les siens; et, pour le faire court, il n'y a plus rien à préparer, lorsque, comme en Espagne, il n'y a ni soldats, ni argent, ni vaisseaux: l'Espagne n'a trouvé rien de cela dans sa restauration; jusqu'ici elle n'a recouvré que des moines et des absolutistes, et ces gens-là ne lui rendront pas l'Amérique.

La Sainte-Alliance a de reste ce qui manque à l'Espagne pour attaquer avec fruit l'Amérique. Une grande expédition, préparée et conduite avec les moyens et l'art qui appartiennent aux grandes puissances de l'Europe, pourrait produire un effet profond sur l'Amérique; mais *il faut passer*, et l'Angleterre refuse son *passo-*port: l'Amérique ne sera donc pas attaquée par la Sainte-Alliance. En admettant même la possibilité de cette guerre, que de difficultés, de dangers et de charges éternels! La soumission partielle de l'Amérique ne serait d'aucun effet, il la faut entière, car partielle elle n'est d'aucune valeur. Dans ce dernier état, la guerre devrait

continuer : pendant combien de temps ? Le pays devrait être occupé militairement : combien de bataillons seraient nécessaires pour former la garnison de l'Amérique ? Qui les recruterait sous ce ciel dévorant ? Que deviendrait une armée dans ces immenses contrées dépourvues de tout ce que les armées en Europe trouvent ou portent avec elles ; poursuivant un ennemi qui, nouveau Parthe, placerait sa force dans la fuite, dans un éloignement méthodique, empruntant son appui à la dévastation, et résolu de ne combattre que lorsque le climat et la disette lui livreraient des ennemis affaiblis ? Il en serait en Amérique, pour les armées de la Sainte-Alliance, comme il en a été à Saint-Domingue et en Russie pour les armées françaises : que ces deux tragédies servent donc de leçon ! Qui fournirait les sommes énormes que cette expédition exigerait ? Celle de la Péninsule, dans un espace de huit mois, a absorbé plus de deux cents millions ; que ne contera-t-elle pas celle de l'Amérique ? les frais des expéditions maritimes sont toujours plus grands que ceux des guerres continentales. La France occupe l'Espagne depuis près de deux ans, qu'a produit son occupation, dans un pays dont l'étendue permet de surveiller toutes les parties, pays situé à la porte de la France, connu de tout le monde ? Que serait-ce dans un pays tel que l'Amérique, où tout est neuf, où l'on n'est guidé par rien, où l'on ne peut recourir que de loin en loin aux conseils ? Dans ce projet de guerre contre l'Amérique par la Sainte-Alliance, même libre de la faire, tout est donc absurdité, ruine, inconvénient et impossibilité de résultats ; et ce qui doit achever d'en interdire jusqu'à la pensée, c'est l'horreur d'une pareille guerre, car on ne peut douter qu'elle ne tournât tout de suite à l'extermination des partisans de l'Espagne, à la destruction des villes et des campagnes, et que le résultat final de tant de sacrifices d'hommes et d'argent, ne fût de rendre à l'Espagne quelques ruines détrempées dans du sang. La politique est peu sentimentale, on le sait ; cependant il ne faut pas désespérer qu'à force d'enfoncer on ne puisse lui trouver des entrailles ; et si nous ne parlions pas à des hommes éclairés, il nous resterait la ressource de parler devant des hommes que nous ne pouvons pas renoncer à croire sensibles. Depuis un quart de siècle n'a-t-il pas été livré assez de combats, fait assez d'hécatombes ? le glaive ne peut-il donc jamais se reposer ? et le sang de l'homme est-il un élément indispensable des calculs politiques, et comme le ciment de tous les projets que la politique peut concevoir ?

CHAP. XIV.—*Effets de la restauration de l'Espagne en Amérique.*

Ici, quel champ vaste et nouveau s'ouvre devant nous ! Il s'agit de reconstituer un monde entier en le replaçant sous la dépendance d'une portion de l'autre monde. Ici, il n'est pas question de pays d'une étendue assez bornée pour pouvoir en toucher à la fois tous les points, tels que sont Naples, le Piémont et l'Espagne ; mais quel est le bras qui peut s'étendre en même temps sur la totalité de l'Amérique, et qui est assez fort pour maintenir l'ordre et l'harmonie entre toutes les parties de sa nouvelle organisation, car une restauration y sera nécessairement une création nouvelle ? Depuis près de deux ans, l'Espagne jouit d'une restauration, mais quels fruits lui a-t-elle apportés ? elle ne sait seulement pas à quel régime elle doit se prendre et s'arrêter ; elle se débat dans un chaos anarchique, sans plan et sans issue. Une restauration espagnole en Amérique aurait-elle un résultat plus facile et plus propice ? 1° Quand le pays tout entier serait-il soumis ? S'il ne l'est pas, si la guerre s'y maintient, que pourra-t-on établir ? Il faut la paix pour former des établissemens ; or, comment se figurer que l'occupation de quelques parties de l'Amérique amènerait la pacification de cette immense contrée. Il est bien plus probable que les indépendans se réuniraient dans ces immenses retranchemens que la nature a élevés de ses mains, et que leur défense se soutiendrait à l'abri de ces impénétrables barrières. 2° En Amérique, l'autorité royale réclamerait-elle la plénitude de ses prérogatives et le pouvoir absolu, comme elle l'a fait en Espagne ? cela seul suffirait pour doubler la résistance de l'Amérique, car que ne serait-on pas pour écarter un pareil joug ?

L'exemple de ce que ce régime a valu à l'Espagne serait là pour montrer à l'Amérique ce qu'elle doit faire pour s'en préserver. Croirait-on l'attirer par des promesses, par des paroles emmiellées ? L'expérience a appris quelle est l'amertume du breuvage contenu au fond de ce vase douxereux. En Europe, on a trop abusé des promesses pour qu'on y croie en Amérique ; c'est un langage usé, et dont le bon sens ordonne de s'épargner désormais les frais : la mauvaise foi chez les uns est la mère de l'incrédulité chez les autres. Remettra-t-on donc de nouveau la direction de l'Amérique au conseil de Castille, et à ses vieux adages ? La livrerait-on encore à des gouverneurs, à des administrateurs, à des agens de toutes sortes, qui, dans une apparition fugitive, n'apporteront ni ne se feront un cœur pas plus qu'un esprit américain, qui administreront avec ignorance des hommes et des choses, et qui, placés en dehors de toute surveillance, répondront aux plaintes avec le douloureux vexeur, *Dieu est bien haut, le roi bien loin, et je suis le*

maître ici ? De nouveau, l'Américain, arraché à ses foyers, à ses affaires, à sa famille, sera-t-il contraint d'aller à travers les mers solliciter, remontrer, plaider à Madrid ? en recevra-t-il encore ses conducteurs religieux et politiques, et ses maîtres dans les sciences et dans les arts ? De nouveau, l'Amérique sera-t-elle enchaînée à toutes les contestations, à toutes les guerres de l'Espagne, qui lui sont aussi étrangères que ses champs, ses fleuves et ses montagnes sont étrangers à ceux de la Castille ? La restauration de l'Amérique ne présente-t-elle pas dans ce tableau un monde de difficultés qui ne se rencontraient pas dans celle de l'Espagne ? et si, malgré cette disparité, celle de l'Espagne a porté de si tristes fruits, quels seraient ceux que l'on recueillerait de la restauration américaine ?

Le propre des révolutions qui échouent contre une force supérieure, est de porter et d'exciter le pouvoir qui a triomphé, à se resserrer pour se prémunir contre le retour des mêmes actes ; leur crainte fait redoubler les précautions et les rigueurs. Le caractère et les mœurs espagnoles tournent toujours aux sévices dans l'ordre politique. Voyez si, dans ce pays, l'État et les particuliers savent autre chose, en toute contestation, que porter la main sur la partie adverse, sur sa liberté, sur ses biens et sur sa vie. En Espagne, c'est comme en Afrique et dans le despotique et féroce Orient : on *arrête*, ou *spolie*, on *tue*. Le désir de se donner des garanties pour le maintien de l'obéissance de l'Amérique, l'avait fait soumettre une première fois au régime de Philippe II ; que l'on juge, si, après une révolution qui aurait amené la domination espagnole sur le bord de l'abîme, on songerait à adoucir ce régime. La révolution ne deviendrait-elle pas le prétexte et la justification de nouvelles rigueurs ? n'est-ce pas ce que l'on voit les Espagnols faire dans leur pays à l'égard les uns des autres ? que ne ferait donc pas l'Espagne à l'égard de l'Amérique ? On accuserait de la révolution la dérogation au système de Philippe II ; il serait déclaré insuffisant contre une seconde révolution, puisqu'il n'aurait pas empêché la première : on ajouterait donc aux sévices ; et ce redoublement de chaînes serait appelé une rigueur salutaire, une sage prévoyance ; là, comme ailleurs, il ne manquerait pas de sophistes pour prouver qu'elles sont des bienfaits envers ceux qu'elles effraient au point d'empêcher la pensée de l'insurrection de naître chez eux.

L'Espagne donnerait-elle des institutions à l'Amérique ? elle ne peut pas en souffrir le nom chez elle-même. Des institutions et l'Espagne, comment rapprocher ces deux mots ? Des institutions données par l'Espagne ! eh, que seraient ces institutions ? Si l'Espagne avait des institutions, l'Amérique serait-elle admise à y participer ? la voilà donc réduite de nouveau à voir ses destinées toujours liées à celles de l'Espagne, et décidées à Madrid. Mais il

reste une question d'une gravité supérieure à toutes les autres : le règlement du commerce, avec une restauration, sera-t-il libre ou exclusif ? Je sais que l'Espagne, en vue de ramener l'Amérique, et en même temps de ne pas effaroucher les étrangers, a laissé percer l'intention de se relâcher de son exclusif, et d'ouvrir les voies au commerce. D'abord, il faut tenir compte des circonstances ; les paroles sont antérieures à la restauration supposée, elles pouvaient être dictées par le désir d'écarter des obstacles à ce que l'on se proposait de faire ; mais où est la garantie de leur accomplissement après le succès obtenu ? Revenons dans la question : le commerce est-il libre, l'Amérique perd la moitié de son prix pour l'Espagne ; il est connu que, sans les revenus du Mexique, l'Amérique du sud eût été à charge à l'Espagne ; cela avait lieu sous le régime exclusif, que serait-ce donc avec celui de la liberté ? Le commerce est-il exclusif, l'Amérique est opprimée, et le sentiment de l'oppression la ramène vers une nouvelle révolution qui lui rendra cette liberté, dont elle a appris à connaître les douceurs. Cette question du règlement du commerce en Amérique, est un monde de difficultés ; à elle seule, elle renferme la destinée de l'Amérique.

L'Angleterre a déclaré que, dans aucun cas, elle ne renoncerait à la liberté du commerce avec l'Amérique ; par ce seul mot, elle a décidé du sort de l'Amérique. En effet, quelle est la nature et quels sont les résultats inévitables de cette liberté ? Faire prospérer, éclairer, lier avec l'univers ; or, qu'est-ce que tout cela, sinon des principes actifs d'indépendance ? Appliqués à un pays tel que l'Amérique, ils ne peuvent manquer d'agir avec une force incalculable. Comment l'Amérique prospère, riche, éclairée, correspondante avec le monde entier, s'instruisant à son école, pourrait-elle rester colonie de la triste Espagne ? Cela se conçoit-il, cela est-il dans l'ordre de la nature, pareille chose s'est-elle jamais vue ? Il faut sortir de ce cercle d'erreurs et d'irrélaxions. L'Amérique libre, ou l'Amérique de Philippe II, et pire encore, si pire il peut y avoir ; voilà le parti avoué par la raison. Il faut choisir entre ces deux extrêmes, car tout intermédiaire est désormais impossible. Le jour où l'Espagne accordera la liberté du commerce à l'Amérique, elle aura signé la démission de sa colonie.

La restauration de l'Espagne en Amérique est donc à la fois un abîme de difficultés et de malheurs, et mille fois plus épineuse que n'a été même celle de l'Espagne. Chez celle-ci, la restauration consistait presque à rappeler un homme au pouvoir, à rétablir le roi ; en Amérique, il faut de plus rétablir l'Espagne avec tous ses attributs : c'est bien un autre ouvrage, comme on voit ; mais ce rétablissement intégral de l'Espagne, renfermant de prodigieux sujets de mal-être pour l'Amérique, ne pourrait manquer de devenir la cause d'une nouvelle révolution, et celle-là

plus intense encore que la première. Dans cet état de choses, autant vaut rester comme on est, et, content d'une première révolution, ne pas aller chercher la seconde.

CHAP. XV.—*Espoir et projets à l'égard de l'Amérique.*

Cette grande révolution de l'Amérique fait en Europe beaucoup de chagrin à bien du monde ; on ne lui a pas épargné les signes de mécontentement ; l'aristocratie européenne tout entière l'a frappée de ses anathèmes, et a demandé à la Sainte-Alliance de la frapper de ses armes ; heureusement l'Angleterre s'est interposée entre l'Amérique et ces vœux ennemis : celle-ci a gagné à cela de connaître à qui elle avait affaire. Maintenant elle connaît ses amis et ses ennemis, et peut discerner entre eux. Il faut en convenir, ces aversions contre la révolution de l'Amérique ne sont pas sans fondement ; il y a de l'instinct au fond de ces haines, car il y a beaucoup de choses nouvelles et contrariantes dans cette révolution de l'Amérique. Pour beaucoup de personnes, c'est un trait resté dans une blessure, et que l'on cherche à en arracher, mais qui doit s'élargir en sortant. Quand la force doit reculer devant les obstacles, et qu'on ne veut pas renoncer avec franchise à ses projets, on se retourne d'un autre côté, et on se rappelle le mot du poète :

Dolus an virtus, quis in hoste ?

Dans la cause actuelle, la force manque et l'Angleterre s'oppose ; cependant l'ennemi est sur pied, sa vue offusque ; on voudrait bien l'abattre, mais on ne peut le joindre et l'attaquer de front ; alors, à défaut de pouvoir employer les armes des forts, on a recours à celles des faibles : celles-ci sont connues ; elles ont été, elles seront encore employées, malgré leur illibéralité. En quelques lieux, des agens de troubles, reconnus ou supposés tels, ont mal fini ; il en viendra d'autres. On peut compter que beaucoup d'intrigues et de menées seront employées pour diviser, troubler, entretenir ou réchauffer l'esprit espagnol. La commission de Mayence aura eu moins de menées démagogiques à *dépister* en Allemagne, que l'Amérique n'aura à surveiller de menées contre-révolutionnaires. Il faut s'y attendre ; les affaires de l'Amérique sont si graves, elles doivent avoir des suites si étendues et si longues, que l'on ne peut croire à une résignation absolue sur un pareil sujet. On recherchera donc tout ce qui peut contrarier la consolidation de la révolution, et créer des chances au retour de l'ancien ordre. L'Amérique est très catholique : on demandera de l'appui aux ministres de ce culte. L'Amérique est peuplée d'Espagnols : on cherchera à

faire revivre parmi eux les sentimens de la patrie et à faire parler le sang en sa faveur.

L'Amérique s'est constituée en république : on l'attaquera par les inconvéniens de ce régime ; on tendra à le pervertir, à l'outrier, pour ramener l'ordre régalien par les regrets. Des familles puissantes se trouvent dans quelques parties de l'Amérique : elles seront recherchées ; aucun genre d'excitation ne sera négligé, aucun argent ne sera refusé pour la bonne œuvre. Heureusement l'Amérique ne peut manquer de connaître ce qui se prépare contre elle ; elle mettra à se défendre de ces trames autant de soins que l'on en apportera à les former ; elle verra dans ces tentatives des motifs de resserrer davantage les liens que doit faire former une cause commune.

La seconde branche de ce système consiste dans l'espoir fondé sur les ambitions particulières. D'après beaucoup d'exemples, on croit les rencontrer plus communément parmi les chefs militaires ; et parce que l'Europe a eu ses *Cromwel*, et l'Amérique ses *Iturbide*, on s' imagine qu'elle aura toujours des Cromwel et des Iturbide ; que la révolution, en se personnifiant ainsi, sera plus facile à aborder, à séduire et à renverser. Ceci renferme beaucoup de jugemens erronés. Chaque chose a son temps et sa saison ; les divisions, les ambitions particulières n'ont jamais manqué, et ne manqueront pas davantage parmi les hommes. En tout temps, en tous lieux ils ont été, ils sont, ils seront les mêmes, sujets nés de beaucoup d'erreurs et de passions, sentant mais n'agissant pas toujours d'une semblable manière. A leur tour, les choses ne se prêtent pas toujours aux mêmes actes : il suit de là que ce qui a été possible et tenté dans un temps, ne le sera plus dans un autre ; le changement de position commande le changement de direction. Ce qui est naturel et possible au début d'une révolution ; dans le désordre qui l'accompagne toujours ; lorsque rien n'est classé ni parmi les hommes ni parmi les choses, lorsque les supériorités n'ont pas encore été reconnues ni les rangs assignés, ne peut être admis lorsque tout est ordonné régulièrement, ou consenti généralement ; dans le premier cas, les contentions entre des égaux qui n'ont pas des titres affermis à se montrer mutuellement pour se donner des droits, ressemblent à ces éruptions qui affligent l'enfance, mais que la croissance des forces fait disparaître. Ainsi, il n'y a eu rien que de fort naturel dans les débats qui ont éclaté en Grèce et en Amérique entre les chefs de la révolution ; on a conclu que ces divisions seraient éternelles, et s'opposeraient à tout établissement solide. Il semble qu'un jugement contraire était plus naturel, et que c'était parce que ces mouvemens avaient eu lieu, qu'ils ne se réitéreraient pas. La tombe d'Iturbide, la fin de Colocotroni, serviront, en Grèce et en Amérique, à préserver des éruptions de pareilles ambitions. Les établissemens des gouvernemens

sont fondés en Grèce et en Amérique, la surveillance est organisée, on veille ; il n'y a donc rien à attendre de ce côté. En supposant qu'un ambitieux réussit, serait-ce au profit de la domination européenne, ne voudrait-il pas garder ce qu'il se serait approprié ? Iturbide travaillait-il pour lui ou pour l'Espagne ? Christophe a-t-il songé à se démettre en faveur de la France, plus que n'y ont pensé Péthion et Boyer ? D'un autre côté, quand quelques intrigues réussiraient à porter du trouble dans quelques parties de l'Amérique, que gagnerait-on avec ces manœuvres ? De quel effet cela serait-il sur une masse telle que l'Amérique ? Cet espoir, formé sur des ambitions particulières, s'est reposé principalement sur Bolivar, comme sur le chef le plus éclatant de l'Amérique ; qu'avait-il fait pour mériter l'outrage d'un pareil espoir ? Que ceux qui ont pu le concevoir, sont étrangers aux sentimens qui remplissent le cœur d'un grand citoyen ! Pourquoi accuser l'humanité de pauvreté, au point de la soupçonner incapable de produire deux Washington ? A la guerre, en politique, Bolivar a fait bien plus que son devancier ; il ne restera pas au-dessous de lui dans l'ordre moral, il donnera de nouveau au monde l'exemple de ce généreux et sublime désintéressement qui porte un citoyen qui a bien servi son pays, à placer sa propre élévation dans les seules grandeurs de sa patrie : ainsi sera Bolivar ; le monde l'y convie, et semble lui demander de nouvelles garanties contre de nouvelles ambitions.

CHAP. XVI.—*De l'annonce d'un danger pour l'Europe dans l'indépendance de l'Amérique.*

Le devoir comme écrivain, et comme défenseur de la cause américaine, le desir d'écarter tous les nuages que l'ignorance ou la malveillance peuvent élever sur cette belle cause, me font surmonter la répugnance que j'éprouve à traiter les deux articles qui vont faire le sujet des chapitres suivans.

De nos jours, la politique est l'occupation universelle ; mais combien s'y sont préparés par l'étude, et y apportent réflexion et maturité de jugement ? De là une foule de jugemens et comme d'arrêts qui sont prononcés par les uns avec l'assurance que donne toujours le défaut d'examen, assurance qui à son tour donne un air de capacité et d'importance ; et qui sont acceptés par les autres, soit par faiblesse d'esprit, soit par la commodité que l'on trouve à répéter des opinions toutes faites, et que leur répétition a comme établies dans le monde. C'est d'après cela que l'on entend dire vulgairement : " Un jour l'Amérique conquerra l'Europe, elle l'écrasera par sa supériorité en tout genre ; l'Europe perdra son commerce avec l'Amérique." On dit de

plus : " L'Angleterre ou les Etats-Unis conquerront Cuba." Quelque chimériques que puissent être ces annonces, cependant il importe d'en démontrer la vanité, l'absurdité même, afin d'arracher cette semence ennemie du champ que nous exploitons.

La supériorité de l'Amérique sur l'Europe en attributs naturels, tels que la fertilité du sol, le climat, et la richesse, est immense, incontestable, visible à tous les yeux ; loin de le dissimuler ou de l'atténuer, je voudrais au contraire que ce principe fût gravé en tête de toutes les discussions sur l'Amérique, non pas pour créer de vaines terreurs, mais pour porter à réfléchir sur l'importance de se diriger envers elle d'après la considération de ces avantages, et celle du danger de toute erreur dans ces calculs sur elle. Que l'on songe donc que l'Amérique est un monde entier, et la plus riche partie du globe. Si l'Amérique est encore dans l'enfance, de son côté, l'Europe est aussi comme dans l'enfance à l'égard de l'Amérique ; elle ne la connaît pas, elle ne l'estime pas ce qu'elle vaut. Oui, l'Amérique a beaucoup de supériorités matérielles sur l'Europe, mais que s'ensuit-il de menaçant pour celle-ci ? A son tour, l'Europe n'est-elle pas supérieure en population, en civilisation dans tous les arts, et surtout dans celui de la guerre ? La population croît en Amérique dans de fortes proportions, cela est vrai, mais celle de l'Europe fait de même. L'accroissement y est moins sensible parce qu'il est comme perdu dans la masse de cette population, mais il existe. A l'avenir, elle augmentera en grande partie par l'Amérique même, dont le commerce donnera de l'occupation à une partie de cette population ; la civilisation s'établira et s'étendra sur le sol de l'Amérique, mais elle fera de même en Europe, qui en est le foyer. Il y aura donc correspondance entre les accroissemens respectifs, et par là la balance sera maintenue entre les deux partis ; mais une grande différence subsistera toujours entre elles, et celle-ci viendra de la différence du point d'où l'on part des deux côtés. Voyez de quel point l'Europe et l'Amérique partent en population, en civilisation, en science militaire. Quelle partie de l'Europe l'Amérique pourrait-elle attaquer ? La France, l'Angleterre et l'Espagne s'offrent seules à ses coups ; toutes les autres parties de l'Europe sont inaccessibles pour l'Amérique ; mais par où et comment attaquer ces trois Etats ? Désormais toute attaque de l'Europe contre l'Amérique trouvera celle-ci tout entière sous les armes pour la défense commune ; la même loi de préservation commune régira l'Europe, et fera que toute attaque de l'Amérique contre elle trouverait la même unanimité d'opposition. Ce serait un spectacle bien étrange que celui de la moitié du monde venant à travers l'Océan attaquer l'autre moitié ! Mais où aborderaient les assaillans ? sur nos rivages munis de remparts, défendus par mille citadelles mouvantes, et par tout ce que le génie de la guerre sait

créer de plus redoutable. Un armement pareil devrait ressembler à l'armée de Xercès : le temps qu'il faudrait pour le préparer donnerait celui de se préparer à le repousser. Que viendrait chercher l'Amérique en Europe ? qu'a-t-elle besoin du sol ou des produits de l'Europe ? Il ne faut pas parler collectivement de l'Amérique dans cette supposition : cette locution s'applique fort naturellement au cas de la défense, mais non pas à celui de l'attaque ; il y a une différence immense entre les deux. Il est dans la nature des choses qu'aucune partie de l'Amérique ne veuille être un domaine de l'Europe, mais il ne l'est pas qu'elle veuille avoir des domaines en Europe : cette contrée est divisée en plusieurs Etats ; au-delà de l'intérêt général anti-européen, chaque Etat a son intérêt particulier ; cet intérêt diviserait inévitablement l'Amérique sur la question de l'attaque contre l'Europe, et la rendrait partielle, impossible et nulle. On ne trouve au fond de l'examen d'une pareille question, qu'un peu de honte de s'en être occupé. On ajoute que la civilisation s'introduisant en Amérique, y portera les arts de l'Europe, qui la dispenseront de recourir à elle, et qui finiront par lui fermer les marchés de l'Amérique ; combien de choses on oublie en parlant ainsi ! L'Europe n'a-t-elle pas triomphé des arts de l'Inde secondée par le sol et le soleil ? N'a-t-elle pas supplanté l'Inde chez elle-même ? L'Europe a-t-elle perdu le marché des Etats-Unis depuis leur indépendance ? au contraire, ce marché n'a-t-il pas doublé, triplé, quadruplé ? Les Etats de l'Europe sont à l'égard les uns des autres dans l'état d'indépendance ; celle-ci fait-elle fermer les marchés établis entre eux ? L'industrie éliminée par une autre industrie ne sait-elle pas trouver d'autres voies, et garder son poste sous une autre livrée ? La supériorité industrielle de l'Europe sur l'Amérique, comme sur l'Afrique, l'Asie, la Nouvelle-Hollande, et les archipels de l'Inde et de la mer du Sud, n'a-t-elle pas des siècles à durer, et un ajournement indéfini ne doit-il pas être prononcé sur ces annonces comminatoires ? Que de choses se passeront d'ici là ! et quels efforts fera faire à l'industrie humaine la lutte qui s'apprête à s'engager entre toutes les parties de l'univers ! Proclamer de nos jours une victoire qui entre dans le nombre de ces secrets qu'il appartient au temps seul de dévoiler, paraît anticiper beaucoup sur son domaine et sur l'action du genre humain pendant des siècles. Voici comme il s'est toujours gouverné. Un peuple naît ; il s'adresse d'abord à la terre, et lui demande sa subsistance ; il est laboureur. Quand ces besoins primaires sont satisfaits, l'industrie se crée ; l'intervalle entre les deux établissements se mesure sur l'étendue du sol, sa fertilité, sa position continentale ou maritime et sa population. Il faut appliquer ces calculs à l'Amérique, et voir, d'après ces circonstances, combien de siècles lui seront nécessaires pour passer de l'état agricole à l'état

industriel égalitaire de celui de l'Europe. En Amérique la population ne fait que naître ; des espaces immenses l'attendent, presque tous sont encore vacans, des siècles s'écouleront avant qu'ils soient remplis. Le colon espagnol est plus porté vers la terre que vers les ateliers ; la fourniture de l'Amérique est donc assurée à l'Europe, et garantie par la nature des choses pendant des siècles ; et mille générations passeront sur le sol des deux contrées, avant que celles de l'Amérique deviennent indépendantes de leurs rivales d'Europe. Tout se borne à un seul principe entre l'Amérique et l'Europe : prospérité mutuelle de l'Amérique par l'Europe, et de l'Europe par l'Amérique. Désormais voilà tout le secret, ou plutôt le seul plan de la conduite réciproque des sociétés humaines. L'Angleterre vient d'entrer dans ces voies honorables et à la fois profitables ; les acclamations de l'univers saluent ses premiers pas dans cette carrière nouvelle, et forment autant d'invitations pour tout le monde de l'imiter. Le monde ne veut plus des doctrines qui le ferment, qui le dessèchent ; il n'admet que celles qui l'honorent et le font prospérer, qui ajoutent à la fois à sa liberté, à ses lumières et à ses richesses.

CHAP. XVII.—*Cuba.*

Cuba peut-il rester espagnol, ou bien devenir anglais ou américain ? Aucun des trois ; il sera indépendant de gré ou de force.

Il ne peut plus être espagnol ; l'indépendance du continent américain crée la liberté dans Cuba, 1^o par les excitations de l'exemple, 2^o à leur défaut, par la force des armes. Les Etats du continent américain ne peuvent pas laisser au pouvoir de l'Espagne une pareille place d'armes ; il faut que *Cuba* entre dans le grand système de l'indépendance américaine, et soit détaché de celui de l'Espagne ; l'existence des deux systèmes parallèles dans ce rapprochement, forme une véritable incompatibilité. Tant que Cuba sera espagnol, le système américain ne sera pas complet : cet état renferme trop d'inconvéniens pour l'Amérique, pour qu'elle le tolère ; il ne sera pas toléré par elle, et comme les Florides ont fini par entrer dans le cadre tracé par les Etats-Unis, et par faire corps avec eux, de même Cuba finira par être indépendant ; ce sont de ces résultats que la nature des choses indique d'une manière irrésistible. A mesure que la liberté s'affermira en Amérique et y portera ses bons fruits, cette vue agira plus puissamment sur les yeux de Cuba. Déjà des mouvemens indicateurs d'une forte tendance vers l'indépendance se sont manifestés dans cette île ; leur répression ne peut être éternelle, elle dépasse les moyens de l'Espagne ; celle-ci baisse, et l'Amérique hausse.

L'obstacle le plus réel à l'émancipation de Cuba, est la population noire, que l'accroissement de la culture a fait beaucoup multiplier depuis quelques années. L'Amérique ne se présentera pas à Cuba comme conquérant, mais comme libérateur. Le premier titre la ferait repousser, le second fera courir au devant d'elle. *Porto-Rico* est une succursale de Cuba, et suivra le sort de la métropole. Ainsi sera complété le grand système américain; il ne restera plus à l'Europe dans ces contrées que quelques points isolés, et c'est alors que sera apprécié à sa juste valeur le système colonial établi, poursuivi et maintenu à si grands frais.¹

Par son étendue, par sa richesse, par sa population, Cuba suffit pour former un Etat important. Sa situation entre les deux Amériques, au centre de l'archipel américain, à portée de la côte ferme, en face du golfe du Mexique, lui donne des avantages immenses dans le monde commercial; c'est un des premiers points du globe dans cet ordre. Quant aux accroissemens de sa prospérité, on a, pour juger ce qu'ils deviendront, l'état de ce qu'ils sont dès aujourd'hui. Sous le régime espagnol, Cuba ne recevait pas trente vaisseaux; en 1824, sous le régime libre, il en a reçus 1250, et les quatre autres ports de l'île en ont reçu dans la même proportion.

Cuba ne peut pas être anglais, l'Europe et les deux Amériques s'y opposeraient. Il y a déjà assez de chaînes de la façon de l'Angleterre, et assez de supériorités en sa faveur. L'Angleterre a bien assez de milliers de nègres et de milliers de milles carrés à garder. L'Angleterre n'est pas catholique et Cuba l'est. L'Angleterre a d'autres mœurs et un autre langage. Cuba repousse donc l'Angleterre comme conquérante, et l'appelle comme agent de relations commerciales. L'Angleterre n'a plus besoin de la propriété ni de la souveraineté d'aucune colonie, elle n'a plus besoin que de son commerce. Le roi de Macédoine père d'Alexandre disait, que toute ville dans laquelle un mulet chargé d'or pouvait être introduit, lui appartenait; Angleterre peut dire de même de tout pays dans lequel son commerce pénètre.

Cuba ne sera donc pas anglais. Il ne sera pas davantage à l'une ou bien à l'autre Amérique; l'Angleterre s'y opposerait, l'une des deux Amériques s'y opposerait aussi; l'indépendance de Cuba repose donc sous la jalousie exclusive de l'Angleterre et sous une jalousie réciproque des deux Amériques. Cuba repousserait l'Amérique conquérante, Cuba fraterniserait avec l'Amérique commerciale.

Cuba ne sera donc ni anglais ni américain, mais il sera indépendant. Encore quelques jours, et l'on verra si la nature des choses ne le veut pas, et ne le fait pas ainsi.

¹ Voyez ce que viennent d'en dire les ministres anglais.

CHAP. XVIII.—*Nature des principes suivis par les divers Etats de l'Europe dans l'affaire de l'Amérique.*

Dans un des premiers chapitres de cet ouvrage, il a été fait une distinction entre le droit primitif, et le droit secondaire; voyons quelle a été leur application dans l'affaire qui nous occupe.

L'Espagne a toujours réclamé le droit possessif; il est de l'ordre secondaire. Le droit primitif est évidemment contre l'Espagne, sous un double rapport. 1^o Ce droit se rapporte aux droits mêmes de l'humanité; 2^o à l'accomplissement des conditions des associations humaines. L'absence de ces deux attributs motive la révolution de la part de l'Amérique. Elle dit à l'Espagne: De quel droit m'avez-vous envahie? ai-je réclamé votre domination, vous avez-je fait injure? A quel titre m'avez-vous donc arraché mon existence personnelle, pour faire de moi votre propriété? 2^o Vous n'accomplissez pas même les conditions des associations humaines; je ne suis pas en société avec vous, je ne suis que votre esclave; mon intérêt ne vous occupe que lorsqu'il rentre dans le vôtre, hors de là il est nul. Je ne dois à un pareil état que de m'en affranchir, lorsque le pouvoir m'en est venu; il est plus légitime que le droit que vous avez eu de me spolier. L'Espagne n'a à opposer à cette allégation du droit primitif, que le droit possessif; par conséquent elle ne s'étend pas au-delà du droit secondaire, sans compter que la durée ne met pas le droit dans l'abus, c'est le contraire.

L'Angleterre et les Etats-Unis ont procédé tout autrement. 1^o Ils sont étrangers à la question de propriété sur l'Amérique. 2^o Ils ont excipé du droit général des sociétés, et de la nécessité de leurs relations réciproques. Par conséquent, ils se sont tenus au droit primitif. L'Angleterre et les Etats-Unis, quoiqu'à des degrés inégaux, sont basés sur les vrais principes de la sociabilité; ceux-ci sont encore étrangers au continent de l'Europe, il suit le droit public du moyen âge; droit qui porte sur les faits, et qui ne résulte pas des principes. Or, c'est de ces principes que l'Angleterre et les Etats-Unis ont fait la déclaration et la base de leur établissement politique. Quand un établissement de cette nature ne porte que sur les faits, il n'y faut plus chercher la raison; car, trop souvent, les faits n'ont pas été des raisons. Les Etats-Unis et l'Angleterre réglant leur conduite sur les principes qui les ont constitués eux-mêmes, se sont donc bornés à observer la marche de l'Amérique; ils ne l'ont ni pressée, ni retardée, ni influencée; ils l'ont laissée suivre son cours naturel. Quand ils ont pu reconnaître dans les nouvelles sociétés la conformité avec ce qui constitue les autres sociétés humaines

et avec ce qui se passe parmi elles, ils les ont reconnues comme en faisant partie, ce qui implique la réunion dans leur esprit de deux idées, l'une de droit et l'autre de fait : 1° que toute société doit être constituée d'après les principes de la sociabilité, c'est à-dire ne rien contenir qui y soit contraire ; 2° que les Etats américains accomplissent ces conditions, et qu'il y a chez eux capacité suffisante pour prendre place parmi les sociétés humaines. A ces deux idées s'en est jointe une troisième qui appartient aussi au droit primitif, et cette idée est celle-ci : c'est que les relations entre les sociétés humaines sont de droit, et ne peuvent être interdites quand il ne s'y rencontre pas d'empêchement antisocial. Les Etats-Unis et l'Angleterre, qui ne sont dirigés ni par les mêmes intérêts, ni par les mêmes conseils, mais par les mêmes principes sociaux, sont également parties de ces bases ; et quand ils ont aperçu distinctement dans les Etats américains la réunion des qualités exigées par l'ordre des sociétés, ils les ont reconnus, et, les prenant comme par la main, ils les ont introduits dans les sociétés humaines ; par conséquent ils ont agi d'après l'ordre du droit primitif.

Le reste de l'Europe a suivi le droit secondaire, en se réglant uniquement sur le droit possessif de l'Espagne. Maintenant, dans ces divers systèmes, quel est le plus conforme à la droite raison et à la justice, qui n'est que l'expression de cette raison ? Qui doit prévaloir, du droit primitif, du droit social, ou bien du droit secondaire, privé, possessif ? Lequel est à préférer de ces deux langages, par l'un desquels on dit d'un côté : Quand les conditions essentielles des sociétés sont accomplies, une société ne peut être repoussée, et de grandes sociétés ne peuvent exister en séparation avec les autres sociétés, ni être privées de relations avec elles ; ou bien celui par lequel on répond de l'autre côté, quelque bien constituées que peuvent être des sociétés, quelque cause qui ait amené leur formation, nous les tiendrons hors des sociétés humaines, et elles n'y entreront pas sans notre permission, qui dépendra uniquement de nos intérêts, à part les principes, les circonstances, et la part même que notre conduite peut avoir eue à ce qui a provoqué leur formation ?

La fédération européenne a suivi cette ligne de conduite ; par conséquent elle est restée dans le droit secondaire : ceci suffit pour faire apprécier la nature et le mérite des principes qui ont dirigé les deux parties, l'Angleterre et les Etats-Unis d'un côté, et le continent européen de l'autre.

CHAP. XIX.—*Traité d'Utrecht.*

On entend dire que l'Angleterre et presque toutes les puissances de l'Europe ont garanti à l'Espagne la totalité de ses possessions, et par conséquent celle de ses colonies : la raison dit, et la bonne foi force à reconnaître, que les traités sont obligatoires dans le sens où ils ont été faits, et relativement aux circonstances qui ont motivé leur adoption. Les cas prévus, les intentions connues, les choses existantes constituent les obligations ; car elles peuvent être les objets d'un consentement ; mais quand des changemens de nature à modifier l'état qui avait été l'objet de ce consentement sont survenus, alors l'obligation antérieure n'ayant plus d'objet, tombe d'elle-même. Dans l'ordre civil, l'homme peut se lier éternellement, parce qu'il connaît la portée de l'engagement qu'il contracte ; mais, dans l'ordre politique, il n'en est pas de même, car l'homme ne peut pas voir à l'extrémité du temps. Il ne s'engage donc qu'à cela seul que sa vue peut atteindre ; car, agissant alors en connaissance de cause, par là même il est capable de se lier. Il faut donc rechercher les circonstances du traité d'Utrecht, et les motifs des stipulations qui y furent arrêtées. Il s'agissait de mettre un terme à la guerre de la succession d'Espagne, et d'attribuer ses diverses parties aux puissances belligérantes : c'étaient l'Espagne, la France, l'Angleterre et l'Autriche. Alors la Russie était encore en Asie, et ne s'appelait que la Moscovie ; jamais on n'avait songé à accoler ensemble les noms d'Amérique et de Moscovie. Les stipulations d'Utrecht avaient pour objet capital la séparation absolue des deux couronnes de France et d'Espagne : elles pouvaient se réunir dans la même famille, mais non pas sur la même tête ; on le régla à Utrecht. De plus il y avait à disposer des Pays-Bas espagnols, du Milanais, et du royaume de Naples. Après ces sacrifices, on songea à assurer à l'Espagne ce qui lui restait, et c'est à cela que se rapporte la garantie que l'on réclame aujourd'hui. Alors la France était la seule puissance en état de s'agrandir aux dépens de l'Espagne, et la garantie était contre elle plus qu'en faveur de l'Espagne. Cette garantie n'a donc aucun trait avec les choses actuellement existantes. Elle avait en vue tellement l'objet que nous lui assignons, qu'il n'en a pas été question dans toutes les occasions où l'Espagne, par l'effet de guerres malheureuses ou par d'autres causes politiques, a dû céder les Florides, la Louisiane, et l'île de la Trinité. Le rappel de ce traité oublié dans les temps antérieurs, a dans celui-ci un objet sur lequel il est impossible de se méprendre. S'il pouvait exister un Etat protégé par une garantie de cette nature, et qui le défendît contre toute cession, de manière à le faire retrouver toujours dans le même état,

quels que fussent les événemens, cet Etat privilégié entre tous ceux qui couvrent la terre, pouvant acquérir et ne pouvant pas perdre, ressemblerait à la Convention Nationale, au temps où, faisant des conquêtes, elle décrétait *la république une et indivisible* ; c'est-à-dire qu'elle se réservait le droit de prendre, et de ne jamais rendre. De telles lois peuvent lier vis-à-vis d'eux-mêmes ceux qui les portent, mais elles n'ont point de force chez les autres : on peut les faire subir par la force, mais aussi la force contraire peut en délier. Quand on se permet de faire de pareils réglemens, il faut y ajouter qu'on sera toujours le plus fort, le plus habile, et le plus heureux. Si une de ces conditions vient à manquer, tout l'édifice croule, comme le montrent beaucoup d'exemples, parmi lesquels il s'en trouve même d'une date très fraîche.

CHAP. XX.—Droit d'intervention.

L'Europe a-t-elle le droit d'intervenir dans les affaires de l'Amérique ? Telle est l'importante question que nous avons à examiner dans ce moment. Si elle est grave, de plus elle est fort délicate ; nous le savons, et nous chercherons à maintenir l'harmonie entre les droits de la vérité, et les devoirs des convenances.

Depuis 1814 a recommencé une ère sociale, telle qu'elle s'était ouverte en 1789. Les combats, l'éclatant entraînement de l'empire avaient rempli l'espace de 1792 à 1814, et détourné l'attention. A cette époque, le parti qui reçut la faculté de faire l'application des idées qu'il avait nourries pendant vingt-cinq ans sur la manière de gouverner la France, commença son travail. De leur côté, les puissances qui avaient renversé Napoléon, et qui pendant vingt-cinq ans avaient donné par leurs actes propres, par leurs reconnaissances de tous les gouvernemens de la France, l'exemple de la soumission et de la participation active à la transformation de divers Etats, aux changemens des dynasties, et qui, pendant tout ce temps, s'étaient beaucoup plus occupées du matériel des sociétés que de l'ordre social, se sont aussi chargées de sa reconstruction : elle est ainsi devenue un travail général, objet des cabinets et de l'aristocratie européenne. Il en est résulté une espèce de dictature et de pouvoir directorial en Europe. Il ne faut pas l'accuser de ce qu'il ne fait pas : ainsi il ne dicte pas le budget, les ordonnances de police intérieure, et les autres objets d'administration locale dans chaque pays ; mais il se réserve tout ce qui tient à l'ordre général, tel que les institutions, la liberté de la presse, et les contestations qui peuvent survenir entre le prince et les sujets. Alors il accourt, alors est invoqué et appliqué le droit d'intervention, que l'on motive sur les prétextes que les circonstances fournissent ; ce droit

est appuyé par une force immense, irrésistible; les faibles n'ont qu'à se taire, et les *attaqués* qu'à subir la loi... Ce nouvel ordre de choses a partagé le monde en deux parties: il a révélé la double sociabilité entre laquelle il se divisa... L'une est celle de l'Angleterre et de l'Amérique, l'autre celle du continent européen. Cette division s'est manifestée par trois grands faits qu'il est important de faire remarquer, car ils ont signalé le développement de cette opposition sociale, et les divers degrés par lesquels elle a passé. Ces faits sont, 1° les congrès de Troppau et de Laybach; 2° la guerre d'Espagne; 3° la reconnaissance de l'indépendance de l'Amérique par l'Angleterre et par les Etats-Unis. Ce sont trois monumens élevés bien haut pour signaler d'une manière claire, incontestable, la différente appréciation des sociétés humaines par le continent et par l'Angleterre et l'Amérique. Celles-ci établissent une sociabilité de droit inhérent aux sociétés humaines, les autres ne reconnaissent que des sociétés sans droits propres, c'est-à-dire qu'ils ne reconnaissent pas de société, car la société ne peut être conçue avec des sociétaires sans droits: ils font découler tout le droit du prince, ce qui les embarrasserait beaucoup là où il n'y a pas de prince: ils veulent bien que celui-ci n'agisse que pour le bien de la société *soumise*, mais ils refusent toute participation directe et à titre de droit à la société, et placent dans le ciel le siège de la responsabilité: chose assez commode pour ceux qui agissent sur la terre, et peu rassurante pour ceux qui, ayant à ressentir leur action, ne peuvent pas assister au jugement, ni recevoir les dédommagemens. En effet une couronne ou un supplice dans l'autre monde importent peu directement à ceux qui restent dans celui-ci. Depuis 1688 les Anglais ont donné la préférence à la responsabilité ministérielle. Le droit d'intervention est une branche nécessaire, naturelle du système continental. La raison dit que tout être a le droit de demander la réparation d'un dommage, la cessation des causes qui le produisent, et qu'en cas de refus obstiné, il est autorisé par le droit de défense naturelle à se procurer cette réparation; mais l'exercice de ce droit est inséparable de deux conditions: la gravité avec l'évidence du dommage, et le refus du redressement. L'Angleterre et l'Amérique ont tracé cette ligne au droit d'intervention: le système continental l'a beaucoup dépassée.

1° A Troppau, la fédération a déclaré le droit général d'intervention: elle s'est dite chargée du maintien de ce qu'elle appelle le bon ordre en Europe. L'Angleterre, après avoir expliqué le cas de la grande alliance formée contre la France, l'a déclarée dissoute par l'accomplissement de son but, et lui a dénié ses principes de juridiction sur les autres Etats: elle a communiqué son opposition motivée à tous les gouvernemens.

A Laybach, la fédération a émis le principe qu'au prince seul appartient le droit d'instituer, de modifier, de juger l'opportunité des modifications, et de ne répondre qu'à Dieu. Là le droit social a été complètement détruit, et les hommes déclarés sans droits, seulement des objets de concessions.

A Vérone, a commencé l'intervention dans l'affaire d'Espagne : celle de la France en a été la suite.

L'Angleterre et les Etats-Unis ont désavoué les principes généraux de toute intervention et les allégations particulières qui y avaient été jointes pour en faciliter l'adoption. Ils ont dit à la France : Il y a absence du droit général et du droit privé. La révolution d'Espagne n'a ni les caractères ni les torts que vous lui imputez. Là, l'opposition a été directe. Dans l'affaire de l'Amérique, l'Angleterre et les Etats-Unis, procédant toujours d'après le système social, après avoir constaté la *capacité sociale* de l'Amérique, 1^o l'ont reconnue membre des associations humaines ; 2^o comme Etats, ayant des intérêts personnels à soigner, ils ont manifesté l'intention de s'opposer à toute attaque contre l'Amérique, tentée par tout autre que l'ancien propriétaire. Par là, le droit était toujours observé, car on ne peut pas s'opposer à un propriétaire qui réclame ce qu'il croit être son droit. Cet historique de la création et de l'usage du droit d'intervention, est indispensable dans cette question ; on sait maintenant où l'on en est. C'est d'après l'exposé de ces principes et de ces faits, que nous allons poursuivre cet examen.

L'ordre est indispensable dans chaque société, il l'est de même entre les sociétés diverses ; il y faut des règles généralement convenues et adoptées, qui garantissent les droits respectifs, le faible contre le fort, le droit contre l'injustice ouverte ou déguisée ; de là le droit public : son objet principal est le maintien de l'indépendance réciproque des sociétés ; il est fait pour enchaîner la force aux pieds de la justice due à chaque société, et dont la partie la plus essentielle est de juger seule de ses besoins. Chargée seule d'y pourvoir par *ses impôts* et par ses magistrats, elle doit seule avoir inspection et droit de réformation sur elle-même. Si une ou plusieurs usant de leurs forces séparées, ou réunies pour être irrésistibles, se mêlent de ce qui se passe dans les autres sociétés, *hors les cas extrêmes*, alors l'indépendance est détruite, et ces sociétés sont subjuguées, elles sont hors du droit. Si l'on allègue la nécessité de réparer des brèches faites à l'ordre social, hors le cas d'évidence, il faut craindre beaucoup pour les fausses applications, car la force est sophiste habile et fécond ; quand ces allégations sont contestées et détruites par des principes généraux, dont l'évidence est faite pour frapper tout le monde, alors il est grandement à parier que la vérité n'est pas avec elles. Faisons l'application de cette théorie au cas

actuel ; il est très important, et légitime les détails dans lesquels nous allons entrer.

Napoléon soumet et irrite l'Europe ; des évènements inattendus ébranlent le colosse, l'Europe a repris ses esprits, il a croulé. L'alliance européenne était formée contre lui, c'est son premier degré ; elle continue son action en 1815 et elle veille plus strictement à la conservation de son ouvrage ; en son nom, un comité étranger réside à Paris, il ne faut pas se tromper sur les motifs de son institution. En 1814, les puissances restauratrices des trônes abandonnèrent à chacun le soin de sa direction propre, et s'en rapportèrent à eux du maintien de l'ordre dans leurs Etats, et de la consolidation de leur ouvrage. Les directions suivies à Paris, à Rome, à Madrid, purent avec raison leur paraître avoir eu une grande part aux évènements du 20 mars ; l'Europe en a jugé tout autrement que ne le font les déclamateurs et les intéressés à cacher les effets de leurs fautes. Pour parer à de nouveaux malheurs, les ministres des grandes puissances à Paris, formèrent une espèce de comité de surveillance et de direction. Naples et Rome reçurent aussi des directions semblables avec plus ou moins de publicité ; trois de ces puissances déclarèrent ne vouloir désormais prendre pour règles de conduite que celles de la religion et de la morale. Rien de plus louable en soi-même que cette déclaration, dirigée d'ailleurs contre les exemples de la révolution que l'on venait d'abattre ; là, l'Angleterre se sépara de ses alliés, engagés dans des théories vagues et sans rapport à ses propres principes constitutifs. Bientôt cette fédération agrandit son cercle, et, depuis le congrès d'Aix-la-Chapelle, sous prétexte d'arrêter ce qu'elle appelle l'esprit révolutionnaire, elle a assumé la direction de l'Europe. Depuis ce temps sont venus les congrès, les interventions, jusqu'aux dégoûts témoignés à la Grèce, et aux agitations produites par la conduite de l'Angleterre dans les affaires de l'Amérique. Ce que nous écrivons, c'est l'histoire même, il faut la détruire ou la reconnaître. Ce qui suit, est encore de l'histoire : il n'y entre rien du nôtre : 1° Que fait cette fédération partout où elle pénètre ? quel est son travail principal ? Voyez à Naples, à Madrid, à Turin, à Lisbonne, à Munich, à Francfort, partout enfin : empêcher les institutions de naître, ou les faire réduire à leur plus simple expression, restreindre la liberté de toute manière, et surtout celle de la presse, requérir les refus d'hospitalité, et bien d'autres choses encore ; l'emprisonnement prolongé d'un savant voyageur dispense d'ajouter à ce tableau. De là, qu'est-il arrivé ? Deux choses bien nouvelles et bien affligeantes : 1° que dans plusieurs pays, le combat s'établit auprès du prince pour faire qu'il y ait ou qu'il n'y ait pas des institutions. L'Europe assiste à cette lutte et ses oreilles sont habituellement frappées de ces attristantes paroles : *tel pays aura ou n'aura pas d'institutions*,

suivant les degrés de l'influence anglaise ou continentale. Fut-il jamais rien de plus désolant pour les appréciateurs de l'humanité, de sa dignité et de ses droits ? Des nations ne peuvent obtenir des institutions que par permission étrangère ! A Naples, on permet de substituer un conseil d'état aux institutions tant de fois offertes ou promises. Ailleurs, ce faible dédommagement n'est pas même admis. Les étrangers sont les juges de l'état du pays et de ses besoins ; les prétextes du bon ordre, de l'extinction de l'esprit révolutionnaire, sont mis en avant ; le nom des peuples, la mention de leurs droits est soigneusement mise de côté et tenue à l'écart : telle est la marche observée généralement par la fédération continentale. Il ne faut pas s'en étonner, cette conduite est conforme au principe d'existence des Etats qui la composent ; ils sont despotiques, absolus, comment feraient-ils de la liberté ? Ils cherchent à la restreindre, à écarter son image des yeux de leurs sujets ; ils resserreront à Madrid et à Naples les liens de Vienne, de Berlin et de Moscow. Pour mettre cette théorie dans tout son jour, changez les acteurs, composez l'alliance avec l'Angleterre, les Etats-Unis et même le royaume des Pays-Bas ; vous aurez partout de la liberté et des institutions. Mais avec une fédération absolue, formée d'éléments despotiques, vous n'aurez que du despotisme imposé, ou bien insinué, avec des formes plus ou moins sensibles, non pas dans des vues oppressives pour les peuples, mais dans des vues d'opposition à leur participation, à leur direction propre, et avec l'intention formelle de la réserver tout entière *pour les princes* ; en un mot vous aurez ce principe : *point de droits chez les peuples, et le prince source de tout droit.* 2° L'intervention de la fédération continentale 1° change les cabinets de l'ordre inférieur en une arène où le combat s'établit tout de suite entre elle et l'Angleterre. Voyez ce qui se passe à Lisbonne et ce qui s'est passé à Madrid et ce qu'on peut attendre à Naples. 2° Le poids de cette intervention détruit toute indépendance dans les Etats du second ordre ; ils se taisent devant la fédération comme ils le faisaient devant Napoléon ; ils règlent leur contenance sur leur force propre comparée à la sienne. Transportez-les dans des postes de sûreté, tels que celui que l'Angleterre occupe, et l'on pourra juger de leur vœu réel.

Ce résultat était écrit dans la nature des choses. La force finit inévitablement par vouloir tout ce qu'elle peut : elle commence par exiger peu ; ses accroissemens amenant de nouvelles exigences, et lui donnant le moyen de les réaliser, l'action du même principe la porte plus en avant, et une marche continue et progressive la fait arriver loin du point d'où elle était partie, et de celui même qu'elle s'était proposé d'atteindre C'est ce que le monde voit dans ce moment, des principes de morale fort respectables au début, et un

asservissement général à la fin. L'Angleterre l'avait prévu, car elle s'est séparée de cette alliance au moment de sa seconde formation, de sa proclamation mystique, à laquelle son principe d'existence propre répugnait ; elle a pressenti les funérailles *du droit* célébrées dans les congrès, et s'est tenue à l'écart dans son île et dans ses principes, au milieu de mille remparts, suivant fièrement sa route, démentant tout ce qui est contraire aux sains principes de la société, offrant son exemple au monde, et attendant qu'il l'éclaire et le réveille.

Depuis 1789, l'aristocratie européenne n'a pas cessé d'invoquer les armes de l'Europe contre la révolution et contre toute révolution ; son code est dans la force, elle ne reconnaît qu'elle lorsqu'elle en dispose, ou qu'elle la favorise ; elle demande des *armes* contre l'Amérique, comme en 1790 elle demandait à la Suède et à la Russie d'envoyer leurs soldats contre la France : la force l'a rétablie depuis 1814. Depuis 1815, elle a toujours formé appel à l'Europe armée ; le succès contre Naples a donné courage contre l'Espagne. A cette époque le parti s'indignait que sans provocation, sans préliminaires, on ne lançât pas toutes les forces de la France contre l'Espagne ; il a harcelé le ministère de reproches, pour ne l'avoir pas fait ; il vidait la France de ses troupes, et, échelonnant toutes les armées de l'Europe, il faisait garder la France, c'est-à-dire la surveiller par les soldats du Nord. Le succès de l'Espagne a donné l'appétit d'une attaque contre l'Amérique ; là était une révolution, et toute révolution est à détruire ; l'esprit révolutionnaire est à poursuivre partout ; il fallait attaquer l'Amérique pour que l'Europe fût préservée de révolutions. L'Amérique est faible, l'Europe est forte, et la soumission de l'Amérique devait être aussi facile que celle de Naples et de l'Espagne. Alors, comme Pyrrhus, victorieux, contens, on jouira de la paix, et tout orage sera écarté pour jamais. Le plan était fort beau ; malheureusement l'Angleterre et les Etats-Unis n'en ont pas tenu compte, et revenant toujours à leur contrariété de principes sociaux, ils ont fait connaître leur intention de s'opposer à toute intervention de la part de la fédération continentale. Quels motifs celle-ci pouvait-elle alléguer, 1° dans l'ordre matériel, 2° dans l'ordre moral ? 1° L'Amérique a-t-elle fait éprouver quelque dommage à la fédération ? elle ne lui demande que de se laisser faire des biens immenses par elle. Pour la guerre d'Espagne, la France crut devoir joindre l'allégation de griefs de l'ordre matériel, à ceux de l'ordre moral qui motivaient primitivement sa guerre : assurément, ils étaient de peu d'importance, et ne valaient pas ce que la réparation a coûté. Mais rien de pareil ne peut être objecté à l'Amérique ; elle est si loin, elle a eu encore si peu de rapports avec les Etats de la fédération, qu'il est impossible à ceux-ci de former contre elle un sujet légitime de plainte positive et résultant des faits dommageables.

Reste donc le droit conféré par les griefs de l'ordre moral. C'est l'état de révolution, et la contagion morale.

Dans la discussion que la guerre d'Espagne a fait ouvrir entre la France et l'Angleterre, les ministres de celle-ci ont repoussé le droit contraire à toute révolution : ils ont établi des distinctions, et avec raison. Combien d'Etats résisteraient à l'application de la proscription générale des révolutions, au seul titre de révolution ? Presque tous ne leur doivent-ils pas leur origine ? Quelle amnistie éternelle donnée à la violence établie sur le temps et la possession ! Quelle horrible perspective ouverte devant l'humanité ! La voilà sans espérance ! Hâtons-nous de le dire, l'état social est ennemi des révolutions, il vit de paix : elles en feraient la destruction ; mais, dans de certains cas, elles en sont la préservation. Que les sociétés soient exemptes d'agitations et de mouvemens violens, mais qu'elles ne soient pas opprimées : des deux côtés il y a des droits respectifs, et ceux des sociétés doivent passer les premiers, car elles préexistent aux gouvernemens, qui ne sont pas autre chose que les formes et moyens d'administration de leurs intérêts, convenus et institués par elles dans la vue de leur prospérité. Les gouvernemens existent pour les sociétés, et non pas les sociétés pour les gouvernemens : Fénelon l'a dit devant Louis XIV. Il faut donc commencer par s'assurer de la nature de ces révolutions, et faire précéder les attaques par les examens. On doit même aller plus loin : car si les révolutions ne portent pas avec elles des principes antisociaux, ou des faits attentatoires manifestement à l'humanité, elles rentrent dans la classe des affaires intérieures, des débats privés. Si l'on peut attaquer la révolution de l'Amérique à titre de révolution, on peut, au même titre, attaquer toute province, toute ville, toute bourgade qui tomberait en révolution. Ces principes, qui sont ceux de la raison, conduisent à examiner la nature de la révolution de l'Amérique : alors c'est une question de fait. Elle fait rentrer dans la discussion générale de l'ordre colonial, dans la discussion particulière des rapports réciproques de l'Espagne avec l'Amérique. Un tribunal doit être élevé, et les parties citées et entendues.

Quant à la contagion morale, cette doctrine familière à l'aristocratie, et son enfant chéri, est encore bien obscure, et l'on n'a pas jusqu'à ce jour pris la peine de la définir. Consiste-t-elle dans la proclamation de principes antisociaux ? qu'elle soit repoussée. On ne saurait trop prendre de précaution contre elle ; cependant il y faut des formes. Ainsi la contagion physique a des dangers plus certains, plus inévitables que ceux de la contagion morale. Tout homme se suffit à lui-même par sa conscience et par son esprit pour se préserver de celle-ci ; cependant, en temps de peste, chaque Etat borne son système défensif à ses frontières, et ne fait pas inspecter d'autorité les lazareths des autres Etats.

Il doit en être de même dans le cas de la contagion morale ; toutes les fois qu'on ne s'en sert pas comme d'un moyen d'attaque, on ne peut y opposer que des moyens intérieurs de répression morale, tels que les avertissemens, les bonnes doctrines, les bonnes mesures pour corriger les sujets de plaintes, prévenir les incontentemens, et s'assurer ainsi l'appui des lois, de la raison, et de toute la partie éclairée des peuples. Cette méthode est aussi conforme aux lumières qu'à la justice ; mais il semble que ce système si simple, si naturel, est dépassé dans le système continental. Ceci mérite une attention particulière.

Le continent s'est établi sur des principes contradictoires de sociabilité avec l'Angleterre et les Etats-Unis. L'Amérique espagnole suit ces deux bannières ; la voilà donc en opposition directe avec le système continental. Cette opposition généralisée sur toute l'Amérique effraie le continent ; il parle de contagion morale : qu'est-ce à dire ? Un peuple a-t-il le droit de se donner des institutions à la face de peuples qui en manquent, ou d'en adopter qui diffèrent de celles que ceux-ci peuvent avoir ? voilà la question. Où place-t-on la contagion morale ? où s'en trouve le siège ? est-ce dans les principes évidemment antisociaux, ou bien dans l'adoption de principes très favorables aux sociétés, d'institutions très propices à leurs membres, mais que leur excellence même peut faire désirer pas les hommes qui n'ont pas le bonheur d'en posséder de semblables, et que la comparaison peut disposer à vouloir les acquérir ? Il semble que ce soit là le point auquel on est arrivé, et qui motive les allégations de contagion morale. Ainsi, en 1815, l'Autriche stipule avec Naples qu'il n'y sera pas formé de nouvelles institutions ; elles étaient promises et offertes depuis longtemps : la raison de cette exigence est que l'Italie, tombée au pouvoir de l'Autriche, verra ces institutions et les désirera. Ainsi, il faut qu'il y ait pouvoir absolu à Naples, pour la tranquillité du pouvoir absolu à Milan. Des institutions libérales sont promises à l'Allemagne au temps des besoins ; ceux-ci satisfaits, il n'est plus question d'institutions ; et là où il en échappe quelques débris, on les surveille, on les amincit, on restreint la publicité, afin que les yeux des voisins ne soient pas frappés d'un spectacle étranger pour eux, et que leurs cœurs ne soient pas remués par des paroles de liberté qui feraient ressentir la servitude établie. Dans ce système, un pays est enchaîné à un autre : l'Italien doit manquer d'institutions pour que le Hongrois ou l'Esclavon ne soit pas porté à les désirer. A Munich, à Stuttgart, à Baden, il faut délibérer à huis clos, pour qu'à Vienne, à Berlin, à Moskow, aucune parole n'arrive. Ce système est incomplet, et doit continuer de l'être dans l'état

de l'Europe et de l'Amérique ; mais sa nature est telle qu'il admettrait le droit d'adresser à l'Angleterre et aux Etats-Unis des sommations pour mettre *constitution bas*, pour fermer leurs tribunes et arrêter leur prospérité ; car le spectacle de ces trois choses est rempli de *contagion morale* pour toute la partie de l'Europe qui n'est pas aussi favorisée dans ses institutions et dans son bien-être. Dans ce système, voilà l'Amérique subordonnée à l'Europe ; mais par le même droit, voilà l'Amérique et l'Angleterre autorisées à demander aussi au continent d'adopter des institutions, pour éviter de porter par leur absence la contagion morale dans les esprits ennemis des institutions libérales. Quelles étranges réquisitions ce système autorise toutes les parties du monde à s'adresser mutuellement ! Ce droit n'est donc qu'une *convenance* ; et une *convenance*, chose relative, ne constitue pas un droit, et n'oblige personne.

L'Europe n'a donc pas le droit d'intervenir dans les affaires de l'Amérique, 1^o ni à titre de dommage, 2^o ni à titre général de révolution, 3^o ni à titre de contagion morale. Il y a donc absence absolue de *droit* de sa part.

Nous croyons ces principes sains, seuls conformes à la raison, propres à raffermir l'ordre social au lieu de l'ébranler, formant la croyance de tout ce qu'il y a d'éclairé en Europe, et destinés à devenir la loi de l'univers, pensée dans laquelle se complaît tout ami de l'humanité.

Quant au simple retard, au refus de reconnaissance sans actes hostiles, ils sont dans le *droit* : chacun est juge des motifs qui peuvent lui dicter cette détermination. C'est à lui de juger les suites, et de voir jusqu'à quel point il lui convient de renoncer ou de participer aux avantages qu'offrent les relations avec l'Amérique. Tant qu'il se tient dans cette ligne, il est hors de tout reproche ; car chacun est le maître de faire son choix, à la charge d'en subir les conséquences.

Là pourrait s'élever une autre question, celle de savoir quel droit confère le besoin du maintien d'égalité entre les Etats : ainsi l'Angleterre a ouvert des relations avec l'Amérique ; elles ne peuvent lui être que très profitables ; son pouvoir va s'en agrandir. Quel droit cet accroissement confère-t-il aux Etats qui peuvent en ressentir les effets ? Le besoin d'un accroissement relatif est-il le principe de quelque *droit*, et peut-on attribuer à ce cas la théorie du *parallélisme* politique appliqué en 1773 à la Pologne, lors du premier partage entre les trois puissances ? Ou bien conférerait-il le droit de dire à l'Angleterre : Suspendez, cessez des relations qui vont donner à votre pouvoir une extension fâcheuse pour le mien, et que vous devez à des moyens qui me sont

interdits ? Ou bien encore le besoin de ne pas déchoir à côté de sa rivale, autorise-t-il la France à imiter l'Angleterre dans sa conduite à l'égard de l'Amérique ?

CHAP. XXI.—*Divers intérêts des puissances de l'Europe dans l'affaire de l'Amérique.*

Ici c'est une pure question de marine et de commerce : les Etats maritimes et commerçans, d'après les degrés de leur puissance navale et de leur industrie, comme d'après leur position sur l'Océan, doivent prendre place dans cet examen. L'Angleterre, première puissance maritime et commerciale, occupe le premier rang dans les intérêts créés par la révolution de l'Amérique ; il serait naturel de placer après elle l'Espagne, si l'Espagne était quelque chose, ou ce qu'elle devrait et ce qu'elle pourrait être. En attendant qu'elle reprenne le rôle qu'elle a négligé et perdu, il est juste de classer la France ; le royaume des Pays-Bas vient après, puis les couronnes du Nord, et dégradativement les puissances méditerranéennes, à mesure qu'elles s'éloignent de l'Océan, et que leurs fleuves ne vont pas y déboucher : telle est, par exemple, la position de l'Autriche. Ce pays est loin de l'Océan ; et le Danube, qui est le seul véhicule de son commerce, va se perdre dans la mer Noire ; Hambourg a plus d'affinités avec l'Amérique que toute la monarchie autrichienne.

Ce serait une chose étrange, et qui cependant a été sollicitée, et à la veille de se réaliser, qui aurait eu lieu sans la virile opposition de l'Angleterre, que de voir le sort de l'Amérique porté au tribunal de trois puissances qui n'ont aucune relation avec elle, et qui sont celles de l'Europe qui ont le moins d'intérêts directs dans ce qui se passe en Amérique. C'est là que se révèle le défaut de la liaison qui règne entre la France et le système continental : dans cette union, les intérêts théoriques sont seuls semblables ; mais les intérêts positifs diffèrent : l'alliance n'est donc pas solide, car elle n'est pas complète. Mais que serait-ce, si elle portait la France dans une direction contraire à ses intérêts ; par exemple, si l'alliance l'eût entraînée à la guerre contre l'Amérique ? Il est évident que la part principale du fardeau de la guerre retombait sur la France, comme puissance maritime et riche, et que de plus, en cas de succès ou de revers, elle perdait également ses avantages avec l'Amérique : 1° par la restitution de l'Amérique à l'Espagne, et par la dévastation qui aurait suivi la guerre ; 2° par le ressentiment de l'Amérique contre cette attaque, si elle en eût triomphé ; car alors toute l'action de celle-ci tour-

nait contre la France, et au profit de l'Angleterre. La France ne peut pas voir les choses comme le fait le continent : la Prusse et l'Autriche ne sont pas les rivales de l'Angleterre sur terre et sur mer, dans les arts et dans la richesse ; au contraire, la France rencontre à chaque pas l'Angleterre dans cette arène ; et pour prévenir ou diminuer sa supériorité, elle ne doit consulter que ses intérêts propres, aucun autre Etat ne pouvant lui rendre ce qu'il peut lui faire perdre. Une horreur universelle et qui se propagera dans le cours des âges, repoussa ces paroles trop fameuses, *Périssent nos colonies, plutôt que nos principes* : que la France repousse de même toute direction qui la conduirait à faire périr sa fortune, plutôt que des liens qui la condamneraient à subir des sacrifices tels que celui des avantages que lui promet une liaison prompte et intime avec l'Amérique.

CHAP. XXII.—*Pourquoi l'Europe craint l'indépendance de l'Amérique, et l'Angleterre ne la craint pas.*

Cette question cache une cause profonde et qu'il faut découvrir et comme aller chercher derrière beaucoup de déguisemens. Ce contraste révèle la vraie situation du monde ; il lève les voiles qui la couvrent à des yeux distraits, car les yeux clairvoyans et attentifs dès long-temps l'aperçoivent distinctement. Cette situation est celle-ci : *la division du monde en deux parties qui marchent en sens contraires*. Par conséquent la question actuelle est une pure question de civilisation et de sociabilité : aujourd'hui le monde n'en connaît plus d'autres. Le *contrat social* lui seul forme toute son occupation : *il faut que cette question soit vidée*. Après la décision, la politique des intérêts matériels reprendra sons cours accoutumé : jusque-là il ne lui sera pas donné de se séparer de la politique sociale ; trop d'intérêts et de faits l'y ramèneront malgré son penchant à s'en écarter.

C'est donc du *contrat social* qu'il s'agit entre l'Europe et l'Amérique. D'un côté sont des hommes avec des droits propres, de l'autre des hommes sans droits, tenant tout de concessions dont d'autres sont les sources et les juges. Là on fait les institutions, ici on les reçoit, ou bien l'on s'en passe ; là tout vient de la société, elle est souveraine.¹ Ici tout vient des chefs de la société,

¹ Voyez tous les discours prononcés par les autorités constituées, soit en Amérique, soit à Saint-Domingue, soit même au Brésil ; surtout le discours du président du gouvernement du Mexique, à l'ouverture du congrès général, le 1^{er} janvier 1825.

Ces publications font un singulier contraste avec des discours prononcés en France il y a encore peu de jours ; on y a ramené plusieurs fois cette locution, *le dogme usé de la souveraineté du peuple*. Rien ne prouve mieux que l'inconsidération de ce langage, la facilité avec laquelle des hommes

il n'y a pas même de société, on évite jusqu'à son nom, comme portant avec lui l'idée de droits ; là on ne connaît que des sujets. Là il y a un gouvernement social, ici un gouvernement paternel, c'est-à-dire à l'instar de la famille. Des deux côtés, on reconnaît également l'obligation de diriger le gouvernement en vue du bien de ceux auxquels il s'applique ; mais on diffère sur le *droit* de faire ce bien. Quand l'ancienne sociabilité régnait seule, la sécurité de son empire la bornait à faire des peuples son moyen d'action. Depuis que la nouvelle sociabilité lui a montré un rival menaçant, elle a porté ses vues plus loin ; elle a fait des peuples le but même de son action et son objet direct. Aujourd'hui tout se rapporte à assurer leur soumission. Par ce nouvel ordre, le genre humain se trouve partagé comme en deux classes entre lesquelles toute affinité sociale a cessé : il s'est formé comme deux humanités, l'une qui s'appartient à elle-même, et la seconde qui dépend d'autrui, et qui a ses maîtres en dehors d'elle. Ce partage a changé l'état des sociétés : les gouvernemens étaient de fait, les voilà de principes, c'est-à-dire de droit ; ils étaient arbitraires, les voilà de discussion et d'examen ; ils étaient secrets, les voilà de publicité ; ils étaient affranchis de contrôle, les voilà de responsabilité. Quel immense changement dans la conduite des hommes, et quel redressement dans la condition humaine ! Et que l'on ne s'étonne ici ni ne s'irrite des conquêtes de ce nouveau principe ; les hommes courent au-devant de ce qui les sert, et ce principe réhabilite les sociétés dont ils font partie. Le changement déjà opéré dans le monde par ce partage de la sociabilité étend ses domaines légaux et visibles sur l'Angleterre et la totalité de l'Amérique. Dans le premier pays, les *droits* des sociétés sont hautement professés comme bases des gouvernemens, et le *nom du genre humain* ne coûte pas plus à prononcer à M. Caning qu'au

prennent leur langue et leurs idées propres pour celles du monde entier, et renferment celui-ci dans leur cercle personnel. Que ces orateurs et ceux qui partagent leur manière de voir, jettent les yeux sur l'Angleterre et l'Amérique, ils verront si ce dogme est usé, et s'il n'y est pas en pleine vigueur. Que n'interrogent-ils l'Allemagne, l'Italie, le Nord de l'Europe ? ils trouveraient là le *statu quo positif*. Mais pour éviter toute erreur dans le calcul, il faudrait commencer par rapporter les mots *souveraineté des peuples* à leur véritable acception, et les appliquer à la désignation de la souveraineté des sociétés sur elles-mêmes, et non pas à celle de la souveraineté de la *populace*. Tout le système opposé porte sur cette équivoque : on la trouve commode pour les intérêts qu'on veut faire prévaloir, et l'on dénature la chose du monde la plus naturelle, la plus simple, la plus claire, pour lui en substituer une odieuse, absurde, mais faite et choisie à dessein pour effrayer les esprits faibles. Qui a jamais pensé à faire souveraine dans la société, sa partie la plus basse, la plus passionnée, la plus ignorante, c'est-à-dire la plus impropre à la chose même qu'on lui attribue ? Quand on parle de choses graves, il y faut quelque raison, et où se trouve-t-elle ici ?

président des Etats-Unis. Ainsi, en Europe, l'ancienne sociabilité est entamée par la main même des ministres d'un roi. A cette domination visible s'en est jointe une autre qu'on pourrait dire invisible, c'est-à-dire celle qui se forme de l'acquiescement donné à ce principe par la plus grande partie des Européens ; car il ne faut pas douter qu'il ne soit celui de tous les hommes éclairés et que des intérêts ne dominent pas. Toute la jeunesse, la littérature, les classes industrielles, si nombreuses, si actives, si influentes, la moyenne propriété, et même une forte partie de la grande, sont imbuës des mêmes idées, dont la manifestation chez elles est arrêtée par le pouvoir.

C'est dans cet état de choses que l'Amérique vient se présenter à l'Europe : elle lui montre sept grandes républiques. On trouvait qu'avec celle des Etats-Unis il y en avait bien assez ; que doit-ce être à l'apparition des six autres ? L'ancienne sociabilité doit éprouver les terreurs que le poète retrace dans la fable des *Noces du Soleil*. Il est inévitable que le nouveau monde tout républicain n'effraie beaucoup l'ancien monde tout royaliste et aristocratique, tout formé d'institutions des temps antérieurs à l'adoption des principes de l'ordre social. Trois effets de ce nouvel ordre contribuent principalement à fortifier ces craintes.

Ce sont ; 1^o la présence des ambassadeurs des Etats républicains ; 2^o le contraste des principes de la sociabilité américaine avec ceux de la sociabilité européenne ; 3^o le spectacle des effets de cette nouvelle sociabilité, et celui de la prospérité des nouvelles républiques.

Par l'introduction des représentans de l'Amérique qui serait la suite nécessaire de la reconnaissance de l'indépendance américaine, voilà la diplomatie partagée en deux parties opposées comme l'est la sociabilité. Jusqu'ici la diplomatie représentative a été simple, c'est-à-dire uniforme, représentant presque exclusivement la monarchie ; par le nouvel ordre, elle devient double et se montre sous deux formes étrangères l'une à l'autre. D'un côté on parle *du roi son maître* ; de l'autre, du peuple souverain. D'un côté des titres et des décorations en grand nombre ; de l'autre, absence complète de toute distinction extérieure, l'égalité personnifiée, la simplicité des premiers âges, d'autres sensations, d'autres mœurs, un autre langage. Quand ce spectacle se bornait à celui de la simplicité et de la blanche chevelure de Franklin, déjà il remuait les esprits ; que sera-ce, quand la moitié de la diplomatie sera conformée sur ce modèle ?

Les relations entre les deux sociabilités devant se régler sur leurs principes élémentaires et constitutifs, il sera souvent fort difficile de s'entendre, car on partira de principes différens ; il faudra souvent recourir à des explications, et il est inévitable que très

souvent on ne s'entend pas; on en a la preuve dans tout ce qui se passe depuis 1815. Les Etats-Unis ont-ils marché une seule fois sur la ligne des principes adoptés en Europe? ils n'ont pas eu l'air de savoir qu'il existât des congrès de Vienne, de Carlsbad, de Troppau, de Laybach. Jugez comment auraient été reçus à Washington les principes de ce congrès : qu'aux souverains seuls appartient le droit d'instituer, de modifier les institutions par des actes purement volontaires, et qu'il n'y a pour eux de responsabilité que devant Dieu. Dans l'affaire de l'Espagne les Etats-Unis n'ont-ils pas déclaré l'intervention illégitime, la révolution d'Espagne légitime, exempte du reproche des excès commis dans d'autres révolutions? n'ont-ils pas fait suivre le roi jusque dans Cadix; et à l'heure marquée par eux, et d'après leurs principes sociaux, n'ont-ils pas reconnu l'indépendance américaine? Ce contraste de principes et de conduite ne peut manquer de se représenter dans les relations qui s'établiront avec l'Amérique républicaine; à chaque instant on se trouvera embarrassé par la différence des principes qui de chaque côté feront apparaître les choses sous un jour différent.

Les Etats-Unis s'élèvent à une prospérité encore inconnue parmi les hommes; elle ira toujours en augmentant. L'Amérique libre, constituée sur les mêmes principes, bien plus favorisée par la nature, va entrer dans la même carrière de prospérité; elle est destinée à y faire de plus grands pas même que les Etats-Unis; cependant tous ces gouvernemens sont à bon marché; la liberté de l'homme y est entière, toutes les gênes, toutes les surcharges, tout l'échafaudage dont on fait supporter aux Européens le fardeau et qu'on leur dit être indispensables pour maintenir le bon ordre parmi eux, seront inconnus en Amérique; la richesse y sera compagne de l'économie; l'inégalité, l'hérédité législative seront bannies, leur absence ne nuira à rien comme on le voit aux Etats-Unis. Dans ce contraste complet, tranchant, entre la sociabilité de l'Amérique et celle de l'Europe, les embarras de celle-ci doivent être grands, on pourrait même dire qu'il n'en fut jamais de plus grands ni de mieux fondés; et une attention un peu réfléchie suffit pour montrer que c'est là que réside le principe de la répugnance pour la reconnaissance de l'Amérique. Si celle-ci lui avait présenté comme une répétition, *un fac simile* de l'Europe, ses trônes et sa sociabilité, on peut croire sans témérité que l'Europe aurait su trouver des accommodemens avec ses principes légitimaires. Beaucoup de bruits en ont couru, mais elle recule épouvantée à l'aspect du spectre républicain qui s'élève sur les rivages de l'Amérique, et qui lui demande d'admettre au milieu d'elle toutes les nouveautés et tous les contrastes qui forment son cortège; là, elle ne se reconnaît plus, elle hésite, elle répugne, elle attend de

l'avenir et lui demande de la débarrasser du fardeau dont elle n'a pas su prévoir ou prévenir la survenance.

Mais si ces embarras sont grands, d'où proviennent-ils ? L'Angleterre fournit la réponse. Partage-t-elle ces terreurs ? Non. Pourquoi ? Parce que sa sociabilité est de principes, et parce qu'elle lui vaut sa prospérité. Les embarras de l'Europe viennent donc des vices de sa sociabilité, qui l'a couverte d'effets désastreux. Il faudrait remonter au principe de ces maux, c'est-à-dire à ceux mêmes de cette sociabilité ; et c'est là ce qui effraie les intérêts ou le courage des directeurs de l'Europe. Il faudrait renoncer à beaucoup de choses qui flattent et dont on a l'habitude. Il faudrait toucher à beaucoup d'intérêts et de jouissances, les faire rentrer dans la ligne des principes, toutes choses ou pénibles ou contrariantes. L'Angleterre, pour s'être exécutée depuis long temps sur tous ces articles, ne craint ni l'aspect ni le contact de cette Amérique, qui ailleurs glace d'effroi. Les paroles du président des Etats-Unis, ainsi que le voyage de M. de Lafayette, ne font pas dans ce pays la moitié de la sensation qu'ils produisent sur le continent ; toutes les publications qui viennent de l'Amérique ne sont pour l'Angleterre que le commentaire ou la continuation de son langage propre. Le peuple jouit de tous les avantages conférés par la révolution au peuple américain, il l'égale en prospérité, il n'a rien à lui envier ; que lui fait donc son exemple, sa constitution, sa fortune ? au lieu qu'elles doivent affecter fortement ceux qui n'y sont pas associés. C'est la crainte des effets du désir d'y participer, provenant des communications libres et légales avec l'Amérique, qui retient les gouvernemens de l'ancienne sociabilité ; ils craignent les comparaisons. Leurs embarras actuels sont le fruit d'antécédens vicieux et qui n'ont pas été réformés ; et, aussi longtemps qu'ils seront maintenus, on se trouvera vis-à-vis de l'Amérique dans la position où elle-même est placée vis-à-vis de l'Europe. On pourrait dire que ces embarras sont la punition des défauts de l'ordre social qui a régi l'Europe ; cet ordre ne peut pas se soutenir par la raison vis-à-vis de celui qui régit l'Amérique, il faut donc se tenir séparé d'elle à défaut d'oser se lier avec elle. Nous verrons combien de temps cette séparation peut encore durer, et ce que coûtera le travail nécessaire pour maintenir cette séparation.

CHAP. XXIII.—*De quelques causes de l'établissement de l'ordre républicain en Amérique.*

L'Amérique espagnole formée tout entière en républiques ! quel spectacle inattendu, et qui peut-être n'est pas assez remarqué ! Là

l'autel et le trône toujours n'avaient fait qu'un : le droit régalien régnait seul, appuyé sur le droit divin ; naguère encore, toute parole contraire à la royauté, ou favorable à la république, n'eût pas même été entendue : et voilà que tout-à-coup, à la fois, et comme à un signal donné, du haut du Mexique jusqu'au détroit de Magellan, tout cet appareil de royauté disparaît et tombe comme une décoration de théâtre. A sa place paraissent sur la scène six grandes républiques,¹ et tout le passé est effacé ; lois, mœurs, langage, principes, pensées, actions, le changement embrasse tout, le sol seul reste le même : étonnant événement et peut-être le plus singulier de l'histoire. La *république* et la royauté se sont déplacées, et succédé en cent lieux divers ; mais ceux-ci étaient bornés, le plus souvent renfermés dans l'enceinte d'une ville, quelquefois un long espace de temps a été nécessaire pour consolider la révolution de quelques pays très rétrécis, tels que la Suisse et la Hollande : en Amérique, quelques jours ont suffi pour changer un monde entier. Là nouveauté, la grandeur, et les conséquences d'un pareil phénomène nous engagent à rechercher ses causes : il doit en avoir, et d'une nature étrangère et supérieure à celles qu'on lui assigne vulgairement.

La comparaison de la royauté avec la république, pas plus que celle de leurs mérites respectifs, n'entre dans le plan de cette discussion : elle ne porte avec elle aucune intention de critique, d'apologie, ni d'excitations. Mille institutions diverses ont régi le monde ; toutes sont bonnes quand elles remplissent le but des associations humaines, c'est-à-dire quand elles procurent le bien-être des sociétaires ; toutes veulent être respectées quand elles ont pris une place légale dans la société. Dans ce sujet, les faits et l'histoire nous serviront de guides ; si parfois la couleur est sombre, on ne doit pas nous l'imputer, elle n'est pas notre ouvrage ; et parmi celles qui pourraient paraître telles, nous donnerons la préférence à celles qui le sont le moins.

Ce serait une grande erreur que de croire que la haine proprement dite contre la royauté a fait éclater l'Amérique contre l'Espagne, et qu'on s'est débarrassé de celle-ci pour s'affranchir de celle-là. Il n'existait pas dans toute l'Amérique une seule pensée contraire à la royauté ; il en était d'elle comme du Brésil, dans lequel la royauté allait périr sans la survenance du Roi ; et l'enthousiasme que son apparition a excité dans cette contrée, indique ce qui se serait aussi passé en Amérique si *des rois* s'y fussent rencontrés.

L'Amérique n'avait qu'une seule et uniforme pensée, celle de l'indépendance de l'Espagne ; elle la voulait, elle l'a eue. Si

¹ Le Mexique, Guatemala, Colombie, Le Pérou, Le Chili, Buenos-Ayres.

En ajoutant les Etats-Unis et Saint-Domingue, on trouve déjà huit grandes républiques en Amérique, en attendant la neuvième, qui ne tardera guère, la Havane.

L'Espagne, au lieu d'envoyer contre elle des soldats, avait envoyé des rois, l'Amérique entière serait royaliste ; elle a manqué le moment, et repoussé les avis qui lui avaient été adressés. L'Espagne n'a jamais conçu d'autre pensée que celle de la conquête par les armes ; une longue habitude de supériorité lui en inspirait la trompeuse confiance ; elle a eu l'air de dire : Si l'Amérique échappe à mon obéissance, que m'importe ce qu'elle deviendra ?

Le mauvais calcul de l'Espagne est donc la première cause de la constitution de l'Amérique en républiques ; ici apparaît le premier rayon de clarté qui luit sur cette question, et cet horizon se dégage des obscurités qui le couvraient...

De quelle époque date la révolution de l'Amérique ? n'est-elle pas postérieure à la révolution qui a fait les Etats-Unis, et à la révolution de l'Occident de l'Europe, connue sous le nom de révolution française ?.. Qu'était la révolution de l'Amérique du Nord ? L'effet du développement des forces d'une grande colonie ! Qu'enseignait-elle ? Les principes de l'ordre colonial, son commencement, son déclin, sa fin ! Quels principes établissait-elle ? Ceux de la véritable sociabilité humaine ! Quel résultat présentait-elle ? Celui de la plus grande prospérité sociale qui soit encore connue parmi les hommes ! Voilà beaucoup de germes, et d'une nature bien féconde. A quelques jours de là éclate la révolution de France ; on a dit qu'elle était la suite de celle de l'Amérique, et comme la punition de la connivence avec elle.

Il importe fort peu de rechercher le fondement de cette allégation ; la carrière des allégations est infinie, et ouverte à toutes les appréciations, soit qu'elles soient dictées par l'examen ou par l'intérêt, par l'amour de la vérité ou par le besoin de donner une protection à ses fautes propres, chose d'ailleurs trop commune. Quoi qu'il en soit, ces deux révolutions existaient aux yeux de l'Amérique, avec tout ce qui pouvait les faire agir sur elle... Voilà ce qui est incontestable...

Pendant que ces deux grandes innovations si séduisantes par leurs principes, et par les résultats obtenus aux Etats-Unis, en attendant ceux qu'ils promettaient à la France, brillaient aux yeux de l'Amérique, et lui montraient un ordre d'idées nouvelles, que faisait à son égard le gouvernement espagnol ? que prévoyait-il, que corrigeait-il, quelle compensation cherchait-il à opposer à ce qui pouvait diminuer son autorité ou l'affection de l'Amérique ? Rien, absolument rien... La même routine, les mêmes gênes, les mêmes distractions. Accoutumé à voir un ordre de choses se soutenir, et aller pour ainsi dire de lui-même, le gouvernement espagnol a borné tous ses soins à l'égard de l'Amérique, à *continuer* : ainsi font beaucoup d'hommes, propriétaires quiétistes, qui s'imaginent que tout ce qui est, sera toujours, à part de toute espèce de vigilance et de soins

sur les besoins, les changemens, les circonstances ; et qui s'endormait sur la foi de paisibles jouissances, pour se réveiller sur les bords d'un terrain miné, et prêt à leur échapper. Voilà précisément ce qui s'est passé entre l'Espagne et l'Amérique ; et non-seulement l'Espagne, pendant la révolution, a été *nulle* pour l'Amérique, mais de plus elle en a été *absente* et complètement effacée. Pendant 18 ans, de 1796 à 1814, la communication resta interrompue entre l'Espagne et l'Amérique : cette longue séparation avait fait comme une autre Amérique, en substituant d'autres idées et d'autres relations à celles qui avaient formé l'ancien état colonial.

Quand l'Espagne est revenue en Amérique, elle a trouvé ces changemens accomplis ; et loin de remonter à leur principe, et d'en prévoir les conséquences, à l'incurie elle a fait succéder la violence. Une guerre terrible a commencé au nom du roi d'Espagne ; d'horribles cruautés, des perfidies vraiment puniques, tout ce qui peut irriter les hommes et les porter aux extrémités, a été mis en œuvre ; Buenos-Ayres a été le théâtre du début de ce sanglant débat ; le même sort menaçait quiconque ne se soumettait pas à l'Espagne. Buenos-Ayres a triomphé, elle a montré au reste de l'Amérique comment on résistait à l'Espagne ; riche, peuplée, fière de deux victoires remportées sur les Anglais, cette cité ne pouvait revenir à la domination de l'Espagne, dont elle venait de constater la faiblesse. Irritée des traitemens qu'elle avait éprouvés, elle a voulu s'en préserver à jamais, et elle a demandé à l'ordre républicain d'élever entre elle et les agens de la royauté d'Espagne, une barrière éternelle. Ce qu'elle établissait chez elle, elle l'a porté au Chili et au Pérou ; et comme les mêmes élémens de séparation avec l'Espagne existaient dans ses deux pays autant qu'à Buenos-Ayres, ils se sont conformés à son exemple. Colombie a fait de même, le fardeau de la lutte est tombé en grande partie sur elle ; elle a été longue, sanglante et chère pour Colombie. Un homme de génie ne s'est pas borné à l'affranchissement de la portion de terre qu'il avait si bien défendue ; il a vu de plus qu'il s'agissait de l'Amérique entière, et que pour elle il n'y avait rien de solide que par l'effacement complet de tout ce qui avait été *de l'Espagne*. La royauté en faisait partie ; elle a subi le sort qu'avait eu la domination elle-même. Des hommes qui ont beaucoup souffert, qui craignent pour l'avenir, et qui veulent lui donner des garanties, ne se croient jamais trop loin de ce qui a contribué à les blesser ; après avoir repoussé les hommes, ils repoussent les choses, et cherchent le bien à l'extrême opposé. L'Amérique était par elle-même si loin d'être mal disposée pour la royauté, que le Mexique, tout en voulant la séparation avec l'Espagne, lui demandait un roi.¹ Le pays était tellement mo-

¹ Traité entre Iturbide et le vice-roi du Mexique, Odo-John. Les députés du Mexique aux cortès d'Espagne, ont sollicité l'envoi au Mexique d'un

narchique, qu'au refus de l'Espagne, il fit un empereur ; mais, comme si ce nom était devenu incompatible avec la stabilité, cet empire n'eut qu'un moment de durée. Rebuté d'essais malheureux, le Mexique tourna les yeux vers les Etats-Unis, et embrassa leurs institutions. Sous leurs auspices, il est tranquille, régulier, et s'apprête à prospérer. Ainsi s'est formé le républicanisme américain, il s'est trouvé tout fait, et comme de lui-même, sans une intention antérieure et générale, et comme les choses que chacun croit avoir faites ou avoir pu faire, tant elles sont simples par elles-mêmes, et paraissent telles après leur exécution. Il est donc bien évident que la direction fautive en tous points qu'a suivie l'Espagne, est la cause première du républicanisme universel de l'Amérique.

Mais ce n'est pas tout ; il est impossible qu'un événement aussi vaste que celui de la constitution de l'Amérique en république, ait été déterminé par une cause unique et seulement intérieure ; il ne peut pas manquer de s'en rencontrer d'autres, plus lointaines, et non moins actives ; dans leur nombre, on doit placer au premier rang, *la statistique morale de la royauté*, telle que l'avait faite le cours des événemens depuis beaucoup d'années, ainsi que les dispositions des esprits créés par eux en Amérique ; car c'est de son opinion que nous sommes occupés, et ce serait une erreur que de croire l'apprécier au juste par celles qui nous sont personnelles, et que ce qui forme les affections et les persuasions dans notre hémisphère, jouit du même empire dans l'hémisphère américain. Il n'est pas de source d'erreurs plus abondante que cette manière d'évaluer les objets, et malheureusement c'est celle que l'on rencontre le plus souvent.

Pour ne pas nous perdre dans des espaces vagues, à défaut de limites précises, bornons-nous à parcourir l'espace de temps écoulé depuis 1763 : voyons ce qui s'est passé dans ce laps de temps fort rapproché de nous, et cherchons dans son examen les dispositions qui ont pu être créées à l'égard de la royauté. Nous choisissons cette époque de 1763, à laquelle on n'a peut-être pas fait assez d'attention, comme une année normale ; c'était la fin de la guerre de 1756. La France, livrée à toutes les médiocrités, avait cédé sa supériorité à l'Angleterre : de là data la suprématie financière, coloniale et maritime de celle-ci. Alors l'Angleterre saisit le sceptre échappé des mains débiles de la France ; la puissance prussienne cessa d'être contestée, et le noyau de fer que forme la juxtaposition des trois puissances armées du Nord, s'annonça et montra ce qu'on devait un jour en attendre. L'Autriche, préférant le rapprochement à l'étendue, tourna ses regards vers l'Italie, et répudia intérieurement

infant d'Espagne ; ils ont offert des sommes fort considérables à l'Espagne, et des avantages de commerce ; tout a été refusé : alors le Mexique s'est fait république, et restera république.

le berceau de Charles-Quint. A cette époque les forts apprenaient à se réunir contre les faibles et à les opprimer ; la Pologne succomba sous une triple attaque, punie par ses spoliateurs d'une turbulence innocente pour eux ; à Pétersbourg, des soldats avaient conduit au trône une femme sur le cadavre de son époux ; depuis Henri de Transtamare, l'Europe n'avait vu rien de semblable ; Copenhague avait eu aussi ses tragédies, et une Reine avait passé du trône dans une prison ; en France tout périssait au sein de voluptés que quelquefois la grandeur ne dépouille pas du respect, même lorsqu'elle les laisse sans excuses ; dans ce pays, où trop souvent le pouvoir a été exercé par des mains auxquelles la loi salique en interdit l'usage, le trône avait souffert une approche indigne de lui ; le désordre provoquant l'abus de la force, un jour la France avait appris qu'elle n'avait plus de gardiens pour ses libertés : bientôt suivit un trépas sans gloire et sans regrets ! Il faut remarquer que le temps où tout cela se commettait était précisément celui du grand règne de Montesquieu et de Voltaire, et que ces deux lustres éclairaient le monde entier se trouvaient vis-à-vis des ministres, et au plus épais des abus de l'époque. Le contraste ne pouvait être en faveur de ces derniers. L'intrigue et le désordre rendaient vaines les meilleures intentions, et ne purent supporter la présence *des Turgot, des Malesherbes et des Necker* ! La révolution américaine éclatait, soutenue par des rois ; des combats intérieurs, des contestations trop célèbres remplirent le temps jusqu'en 1789 ; alors éclata la révolution. Là commence la seconde période. Comment cette révolution fut-elle envisagée et combattue au dedans et au dehors ? L'histoire l'apprend ; comme on n'avait pas su la prévoir ni l'éviter, on ne sut pas la diriger. La vertu se trouva impuissante à remplacer le génie, la royauté succomba en France ; l'éclipse dura pendant quatorze ans. Au dehors, comment la royauté se conduisit-elle ? Quelle force, quelle union, quelle conformité avec elle-même, montra-t-elle ? Pendant qu'on disait combattre pour les droits du trône, on abattait celui de la Pologne, on s'appropriait les débris de celui de la France. Fatiguée d'une fraternité décevante, d'une lutte décourageante par les mauvais calculs et les mauvais succès, bientôt une grande partie de la royauté de l'Europe pactisa avec les destructeurs de la royauté en France, s'unit à eux, Naples, l'Espagne et Parme à leur tête. Quand la république sanguinaire et anarchique eut fait place à la république régulière et radieuse de gloire militaire, affermie par une reconnaissance générale, les hommages envers le chef de ce nouveau régime n'eurent plus de bornes. Dans ce temps, pour la seconde fois, Pétersbourg voyait la majesté du trône violée, et le prince sous des poignards. Bientôt une nouvelle royauté s'éleva en France ; elle se plaça plus haut que ne l'avait fait l'ancienne. De nouveau les hommages se proportionnèrent à cette élévation ;

par elle, d'un mot, d'un signe de tête, on vit les trônes abattus, changés, et comme transvasés ; alors on vit les scènes de Bayonne, les abaissemens de Valançay, les expulsions de Stockholm, les anciennes dynasties remplacées, et les nouvelles devenues l'objet d'hommages semblables à ceux qui étaient d'usage envers les autres ; un sang réputé par sa fierté, fut mêlé avec celui qui n'avait d'illustre que la consécration de la gloire, de la fortune, et de la crainte ; et, pour tout combler, du faite de ces grandeurs, une chute la plus profonde de toutes celles qu'ait encore connues l'humanité, entraînant à sa suite celle de toutes les grandeurs secondaires dont elle s'était entourée, comme d'autant de degrés pour s'élever jusqu'à elle.

C'est ainsi qu'on est arrivé à la troisième période, 1814, époque de la restauration.

Quel moment pour la royauté ! Quelle admirable et facile situation ! Tout semblait fait pour elle ; les licteurs de la république, les exagérations de l'empire étaient également usés ; tous les esprits étaient désabusés, revenus à ce qu'il y a de vrai et de bon dans l'ordre social. L'alliance franche des droits des peuples avec ceux de la royauté devenait le port cherché à travers mille tempêtes : un instant on crut y toucher ; la fédération du Nord était arrivée *libérale* à Paris en 1814, elle hésita en 1815, elle rétrograda décidément au congrès d'Aix-la-Chapelle. Depuis ce temps, on a vu les congrès, les interventions armées, le pouvoir absolu rétabli partout où elles ont prévalu ; la fédération des forts a assumé la direction de l'Europe ; les principes qui ôtent tout *droit* aux peuples et qui les confèrent exclusivement au prince, à Laybach ont été proclamés ; un système restrictif général a été adopté et suivi avec persévérance, la religion et l'aristocratie ont été appelées à son aide. J'entends bien qu'il est dit que tout cela est fait pour le bon ordre de l'Europe ; je crois aux bonnes intentions, mais je demande quel est le résultat, et s'il est propre à disposer en faveur de la royauté les peuples indépendans qui voient ces résultats ; car c'est là toute la question. Quand, de plus, il survient des procès tels que celui dont a retenti l'Angleterre, des attentats de Bemposta, des décrets du port de Sainte-Marie, des dénégations de paiement des dettes contractées dans de grands besoins, sous des prétextes tirés d'un changement dans une situation donnée, des amnisties refusées, marchandées ou surchargées de sévices, des proscriptions, des hospitalités interdites ; quand le travail est constant à amincir les libertés concédées, comme un mineur caché sous un rempart, alors quel attrait crée-t-on pour l'ordre auquel on peut attribuer tous ces faits ? Il est évident que l'on travaille contre lui. Je conçois le système suivi, mais je vois aussi les conséquences qu'il doit avoir sur ceux qui le regardent agir. Une grande révolution a altéré l'ancien ordre social ; cette révolution, il faut le dire, n'a jamais été bien

comprise par ceux qui se chargent de la réformer. Ils veulent raffermir la religion et les trônes ; c'est bien ; il n'y a de difficultés que sur les moyens : pris dans la nature des choses, employés dans une juste mesure, loin de trouver des contradictions, un appui général les attend ; il faut donc regarder à l'emploi qui en a été fait, et, pour savoir quelles idées il a portées dans l'esprit de l'Amérique, il ne faut pas juger par ce qu'en disent ou ressentent en Europe les intéressés à ce système. Que le clergé et l'aristocratie européenne préconisent un ordre auquel ils trouvent leur compte, qu'est-ce que cela fait à l'Amérique, qui n'a ni clergé politique, ni aristocratie ? Que l'on attache une grande importance au faste des rois, comme un moyen de respect aux yeux du peuple, qu'importe à l'Amérique, dont le peuple est peu nombreux, simple ? Et lorsque l'on dit en Europe que *l'on en est au positif des monarchies*, comment cet appareil parlerait-il aux yeux de ceux qui n'ont rien de commun avec elles ? Ces gouvernemens royaux de l'Europe sont chers, quelquefois très dispendieux ; le poids de ceux de l'Amérique est presque insensible. La royauté exige la gradation des rangs, ennemie de l'égalité ; celle-ci est l'âme de l'Amérique. La liberté est très restreinte sur le continent monarchique de l'Europe, en Amérique elle est complète ; en Europe c'est une exception, en Amérique c'est le droit commun. En Europe, *le principe monarchique* est placé avant tout, ses commodes obscurités prêtent à toutes les prétentions et extensions ; en Amérique, c'est le principe social qui est la règle et le fondement de tout. L'Europe est le pays des coups d'État, l'Amérique celui de l'action régulière des lois. L'Amérique assiste aux débats qui existent entre les royautes de l'Europe ; elle entend les contradictions, les démentis donnés à Troppau et en Espagne ; elle voit les menées pour s'assurer du pouvoir, pour en exclure ; en un mot, elle voit tout et juge tout ; dans quelques jours, mille messagers ailés lui apportent la connaissance de ce qui se passe dans l'Europe, comme ils rapportent en Europe la relation de tout ce qui se passe en Amérique ; tel est l'effet inévitable et indestructible des relations existantes qui lient entre elles toutes les parties de l'univers. Si les Anglais témoignent un grand éloignement pour l'ordre continental, comment l'Amérique pourrait-elle éprouver de la propension pour le régime qui l'a produit ? On dirait que l'empereur du Brésil est venu s'établir en Amérique comme un missionnaire de république ; assurément il ne réclamera ni le droit divin, ni le droit légitimaire. La terre entière a assisté à la fabrication de son trône ; eh bien, à peine assis sur ce trône d'un jour, ce prince chasse deux fois le corps législatif, et, de coups d'État en coups d'État, il est monarque absolu. Iturbide au Mexique n'a pas mieux servi la royauté. Le Mexique en semblait altéré, car il l'avait posée pour base à sa nouvelle existence ; il l'avait demandée à l'Espagne, et, sans se

rebuter, à son refus, il l'avait établie dans son propre sein. Là encore, au bout de quelques jours, la magie du pouvoir a déjà produit son effet ; on s'enivre, on abuse, on tombe ; la république est embrassée comme refuge et terme à tant de maux. Il semble qu'il y ait eu une conspiration contre la royauté et son établissement en Amérique. Qu'aurait-on à lui répondre, si elle repoussait les représentations ou les excitations en disant : Comment nous propose-t-on de nous charger d'institutions qui, pour se soutenir, ont besoin que toutes les forces de la société se groupent autour d'elle, tandis que toute institution doit prêter de la force à la société ? quelle considération peuvent nous inspirer pour la royauté des hommes au zèle indiscret, qui représentent sans cesse la royauté dans la douleur, tandis qu'elle doit toujours apparaître dans la gloire ; qui ramènent sous les yeux ce qui devrait être voué à un éternel oubli, et qui se plaisent à montrer sur les échaffauds des têtes qui devraient rester cachées dans la nue ? De pareils contresens désenchantent tout. Quand on viole les statues des dieux, les premiers coups portent sur la divinité et les seconds sur un marbre insensible.¹ Cessez de parler de grandeurs, de droits : le rigorisme légitimaire arrive tard, après tout ce que nous avons vu adopté sans réclamation ; la hauteur des paroles n'est plus qu'un vain son, après tant de paroles soumises ; l'efficacité des promesses n'est plus qu'un sujet de doutes, après tant de promesses oubliées, ou passées au crible des commentaires de la force ou de la ruse ; l'objet des adorations de l'Europe a été enchaîné par elle sur un rocher ; un front long-temps paré du diadème a été frappé d'un plomb qu'on croyait réservé pour des fronts vulgaires, le bandeau royal n'a pu le préserver ; et Gustave son erre sur les bords du Rhin. Les prestiges du rang suprême sont dissipés, et voyez par quelles mains ils ont péri.

Il ne s'agit pas de jeter de la défaveur, mais de la lumière sur cette question. De bonne foi, à l'aspect de ce tableau, auquel il serait si facile d'ajouter, reconnaît-on que l'on ait préparé le terrain de l'Amérique à recevoir la royauté ? Quand elle faisait tant de fautes en Europe, quand des conseils malavisés lui donnaient la direction qu'elle a prise depuis plusieurs années, travaillait-on à lui créer des attraites en Amérique ? Voilà ce que la justice et la raison commandent de substituer à des declamations vaines ou aigries par la contrariété. La majeure partie des Européens voudraient la réforme du régime qui pèse sur eux, et l'Amérique indépendante et libre, par un choix volontaire et réfléchi embrasserait l'institution qui produit ce régime : cela n'est pas dans la nature des choses. Peut-être que si la royauté eût apparu en Amérique sous les formes anglaises, elle y eût été adoptée ; mais avec les formes continentales

¹ Ces paroles sont de Rivarol.

et méridionales, cela était impossible. De pareilles formes peuvent être imposées, mais elles ne sont pas embrassées volontairement, surtout par des peuples du dix-neuvième siècle.

A ces causes indirectes qui ont éloigné l'Amérique de l'ordre royal, il faut ajouter les causes directes, celles qui résultent de la défaveur témoignée à l'Amérique : toute propension a été montrée à l'Espagne. Les intentions hostiles ont été soupçonnées, trop d'apparences y prêtaient : il était naturel que l'Amérique n'imitât pas ce qui la menaçait.

Les choses étaient arrivées au point de rendre intempestives trois choses que je proposais, lorsque je m'occupais pour la première fois de l'Amérique en 1800 : 1° une érection simultanée de trônes en Amérique ; 2° leur attribution à des princes d'Europe ; 3° une *indemnité* pour l'Espagne. Elle recevait annuellement 60 millions de l'Amérique : il semblait bon pour la parfaite assurance de l'Amérique, et à la fois pour ne pas aggraver les sacrifices de l'Espagne, de faire attribuer à celle-ci une indemnité payable par la totalité de l'Amérique, d'une manière dégradative, jusqu'à ce que les profits présumés du commerce eussent compensé les droits de la souveraineté dont elle se démettait. Mais alors il s'agissait d'une grande et précieuse concession, de la générosité stimulée par la reconnaissance ; au lieu que dans le temps actuel, on a à traiter avec les ressentimens et la victoire, comme avec tous les sentimens que peut éprouver un vainqueur irrité, et placé au-dessus de toute crainte. La colère appuyée sur le droit et la force est d'un abord difficile.

Plus tard, en 1817, j'ai proposé un congrès continental : dès lors le dénoûement de la révolution américaine m'apparaissait tel qu'il se montre aujourd'hui. Il me semblait qu'il ne restait plus qu'un jour pour s'en occuper. On a laissé passer ce jour précieux : c'était le temps de la confiance dans les armes de l'Espagne, et celui du mépris pour les armes de l'Amérique.

Voilà où conduit une longue suite de distractions et d'abus. Le mal se fait en silence, chaque jour y ajoute, et le temps lui donne un poids qu'aucun levier ne peut plus soulever. C'est ce qui s'est passé entre l'Amérique et la royauté. Celle-ci souffre en ce moment de ce que les soixante dernières années ont rassemblé de fâcheux contre elle. Si, toujours vigilante, modérée, conforme à sa destination, à l'esprit du temps, elle n'avait que des titres bienfaisans à présenter à l'Amérique, elle trouverait ses rivages préparés à la recevoir ; mais il semble que depuis ce temps on ait pris à tâche de les lui interdire, et elle retrouve aujourd'hui en Amérique ce qui a été semé en Europe depuis plus d'un demi-siècle.

Quand en Europe on réduit les assemblées publiques à délibérer à huis clos, et le public à n'apprendre ce qui concerne ses intérêts, et la manière dont ses défenseurs se conduisent, que par des extraits de procès-verbaux officiels, attire-t-on l'Amérique vers l'ordre qui

de sa seule autorité fait ainsi la part au public, et qui fait descendre à la condition réglementaire l'une des plus importantes parties du gouvernement constitutionnel ? Dans les pays où l'on a la liberté de penser et d'exprimer sa pensée, est-on bien tenté d'institutions à la merci de tous les coups du pouvoir ? Les paroles de M. le comte de Montalembert, sur les élections, ont-elles porté en Amérique beaucoup d'attraits pour l'ordre qui les a produites ? Quel effet doivent produire en Amérique des paroles prononcées avec une confiance ironique, telles que celles qui traitent la souveraineté du peuple de *dogme usé*, en confondant à dessein la souveraineté des sociétés sur elles-mêmes, ce qui est le vrai sens de ce mot, avec la souveraineté de la populace, ce qui est la *corruption* affectée du même mot. Il est donc évident que les plus grands obstacles à l'établissement de la royauté en Amérique ne sont pas venus d'elle, mais d'une longue préparation faite en Europe, qui s'est trouvée liée avec les événemens des dernières années. Aucun esprit républicain ne préexistait à la révolution d'Amérique, elle a puisé son républicanisme dans l'histoire ancienne et contemporaine de l'Europe. Qu'on cesse donc de l'accuser d'obéir à l'esprit révolutionnaire, ce n'est pas elle qui mérite ce reproche.

CHAP. XXIV.—*Vrai système de l'Europe à l'égard de l'Amérique.*

Tout système qui suit évidemment de la nature des choses est bon ; alors il doit être considéré comme l'œuvre même de la nature, et tenant de sa main une solidité que celle de l'homme ne peut pas lui donner. C'est sous ces rapports que le système relatif à l'Amérique se présente, et doit être analysé. L'Amérique entière est indépendante, elle l'est par la force des armes ; elle peut défendre cette indépendance contre la métropole, et même contre toute autre attaque ; elle ne renferme aucun principe antisocial ; elle ne demande rien à l'Europe ; elle lui prépare des biens au-dessus de ses vœux et de ses espérances. La séparation haineuse et hostile avec elle renferme de graves inconvéniens, et de nature à s'aggraver encore. L'Amérique n'est pas au nombre de ces Etats que leur peu d'étendue prive d'importance, et que l'on peut laisser comme inaperçus ; c'est un monde entier, destiné à attirer à lui le reste du globe. On ne peut pas combattre l'Amérique, on ne peut pas l'éviter, on ne peut pas s'en passer : dans une position aussi singulière que grave, à quoi se résoudre, et que faire ? Rien n'est plus simple. Suivre l'indication de la nature, qui veut que l'on reconnaisse ce qui, à la fois, *est*, qui ne peut être détruit, et qui profite à tous. Or, ces trois caractères sont marqués dans l'indépendance de l'Amérique, et militent en faveur de sa reconnaissance.

Mais ici il ne faut pas se méprendre sur la nature des choses ; elle veut qu'il y ait harmonie entre le mode de cette reconnaissance et la grandeur de l'objet auquel elle s'applique. Qu'il soit permis de le dire, on est frappé de la légèreté avec laquelle on entend parler de la reconnaissance de l'Amérique. On dirait que faire, négliger, avancer, ajourner cette reconnaissance, est un jeu qu'on peut se permettre et soutenir sans conséquence, et comme à discrétion, comme s'il s'agissait d'une bourgade de Suisse ou d'une ville anséatique. Par là on se conduit, à la conclusion, à la clôture de l'affaire de l'Amérique, comme on l'a fait dans son début et dans tout son cours, pendant lequel on a eu l'air de ne la considérer que comme une *chose légère*, et que l'on serait toujours à temps de maîtriser ; mais l'heure du réveil est arrivée ; les choses apparaissent sous leurs formes véritables, telles qu'elles sont. Quelles contrarient ou flattent, leur nature ne change pas pour cela ; et la vérité à laquelle on ne peut plus se soustraire, est celle-ci : L'Amérique a pris la haute attitude que donnent l'indépendance et le sentiment de la force ; ce n'est plus cet humble colon que l'Europe avait l'habitude de regarder comme un homme de labeur destiné à lui procurer des jouissances par son travail ; c'est un être parvenu à sa pleine virilité, à sa majorité avec tous les attributs qu'elle confère, qui n'a plus de commandement à recevoir de personne, et qui tend à la fraternité, à l'égalité, la main qui repousserait toute prétention à la supériorité. Voilà ce qu'il faut bien concevoir. Par conséquent, toute reconnaissance de l'indépendance américaine ne peut plus être un acte équivoque, détourné, concessionnaire et comme du suzerain au vassal ; il y faut clarté, dignité et garantie... l'Amérique ne s'abaissera plus à un autre mode de reconnaissance. Il s'est fait depuis peu un immense changement dans sa position : 1° par la destruction des forces espagnoles ; 2° par la certitude d'être à l'abri des attaques du continent. Avec ces avantages, l'Amérique ne se contenterait plus d'une reconnaissance telle que celle qu'elle a reçue de l'Angleterre, et qui diffère de celle des États-Unis ; celle-ci a été directe, celle de l'Angleterre indirecte, résultant de précédens plutôt que de principes. Désormais l'Amérique n'admettra que des reconnaissances explicites, car elle sera en mesure de les exiger. La reconnaissance directe, pleine, sans ambiguïté, sans arrière-pensée, sans inégalité, sera donc toujours *conditio sine qua non* de toute négociation avec l'Amérique, un préliminaire indispensable. Si, pendant que la lutte contre l'Espagne durait encore avec ses rigueurs et ses incertitudes, l'Amérique ne s'est pas écartée de cette ligne, comment en dévierait-elle, lorsque la guerre est terminée, lorsque la victoire a mis fin aux dangers et aux incertitudes ? Plusieurs fois des commissaires se sont présentés à l'Amérique au nom de l'Espagne. Jamais négociation ne fut plus claire ni plus

expéditive : *indépendance ou point de traité*. Saint-Domingue a fait de même ; ses envoyés, par leur retour, ont affermi cette résolution. Toutes les publications qui viennent de ces contrées sont autant de protestations et de manifestes contre tout autre mode de reconnaissance. Toujours le nom de l'indépendance est placé à la tête de ces actes, avec l'expression de la ferme résolution de la maintenir. Dans un pareil état de choses, la raison ne dit-elle pas que la reconnaissance de cette indépendance, si fortement enracinée dans les esprits et dans les choses, doit aussi être placée en tête de toute négociation avec l'Amérique ?

La reconnaissance est une *question d'Etat*, et par conséquent au nombre des questions sur lesquelles on ne transige pas. Elle est pour l'Amérique ce qu'est pour un particulier l'acte qui fixe son état dans le monde ; et comme celui-ci ne peut pas composer sur un pareil article, l'Amérique ne le pourra ni ne le fera pas davantage sur le fond et la forme de la reconnaissance.

A la vue d'une position aussi nette, et à la fois aussi impérieuse, on se demande qui peut empêcher de s'y conformer. Après avoir tout recherché, tout examiné, on ne trouve plus que le droit légitime de l'Espagne ; car on a sûrement renoncé aux motifs tirés du titre général de *révolution ou de contagion morale* ; cela est usé et ne peut plus être allégué avec quelque espoir de succès, il faut donc que ce soit la *légitimité*.

Examinons cette objection, dernière ressource des opposans.

1° La reconnaissance de l'indépendance américaine n'est pas celle d'un principe, mais celle d'un fait certain, indestructible, dont tout révèle et constate à la fois la réalité et la solidité. Si ce fait est le résultat des fautes de l'Espagne et d'une égale inaptitude à gouverner et à combattre, la reconnaissance de l'indépendance, fruit de la supériorité de l'Amérique, n'est pas autre chose que la répétition de tout ce qui s'est passé dans le monde depuis la fondation de États : en tout temps, en tout lieu, celui qui n'a su ni gouverner ni combattre, qui a été faible et mal adroit, a succombé, a été remplacé par un rival supérieur en force et en habileté. Ce n'est pas là l'effet du hasard, ni son mobile empire ; c'est l'œuvre même de la nature, l'essence des choses, l'ordre de la morale, qui attache et proportionne le châtement aux faits. L'Espagne n'a pas su conserver son Amérique ; elle l'a perdue, voilà tout. L'Europe ne se jette pas entre les contendans, elle ne leur demande pas pourquoi ils ont été forts ou faibles, comment on a succombé ou prévalu ; elle se borne à dire : *Je reconnais ce qui existe*. Ainsi ont fait les États-Unis, en donnant à leur détermination cette base indiquée par la raison et par la morale : 1° Les nouveaux États ont-ils force suffisante pour défendre et maintenir leur indépendance ? 2° re-

constatés, la reconnaissance a été prononcée ; le monde n'a jamais fait autrement, ou plutôt il est rare qu'il ait procédé aussi régulièrement, car presque toutes les reconnaissances des nouveaux États sont venues d'intérêts politiques ou privés, soit pour s'agrandir soi-même, soit pour affaiblir un rival. . D'ailleurs, la majeure partie de ces changemens ont été provoqués, et sûrement rien de semblable n'a eu lieu de la part de l'Europe à l'égard de l'Amérique ; elle est pure de toute excitation envers l'Amérique.

2° La part prise à un événement règle les droits à sa direction ultérieure. Ainsi, il y a quelque déloyauté, au moins une complète absence de droit, dans la reconnaissance d'une révolution que l'on a excitée ; alors c'est son acte propre que l'on sanctionne ; mais on n'est pas tenu des mêmes devoirs, quand on n'y a rien mis du sien, et quand le besoin de cette reconnaissance arrive sur le cours des événemens. Or, telle est la position de l'Europe dans cette question : elle est irréprochable dans la révolution de l'Amérique ; elle ne l'a ni excitée, ni fomentée, ni soutenue ; elle s'est bornée à assister au combat : il est terminé ; elle a donc conservé tous les droits de l'innocence et ne viole aucun devoir en usant de ce droit. Si elle a témoigné faveur ou propension, si elle a exprimé des vœux, ce n'a sûrement pas été pour l'Amérique ; elle se trouve donc uniquement vis-à-vis une question de fait, celle de la formation de l'Amérique en États supérieurs en forces à l'Espagne, et celle de l'impossibilité pour celle-ci de rétablir son empire. A l'impossible nul n'est tenu, et l'on ne peut l'être à reconnaître une souveraineté impossible. C'est le cas pour celle de l'Espagne en Amérique, et cette impossibilité rend à l'Europe toute sa liberté sur le parti qu'il lui convient de prendre entre une souveraineté devenue caduque, et une souveraineté virile, formée des débris de la première.

3° Quand la lutte dure, une reconnaissance qui donne de l'avantage à l'adversaire du possesseur, viole le droit légitimaire, car elle sort de la ligne de la neutralité, et, quoique indirectement, elle cause un dommage à une partie. Dans le cas actuel, il n'y a rien de prématuré, d'anticipé sur le temps, d'influant sur la solution de la contestation ; elle est terminée, et, à cet égard, tout est consommé. Le triomphe de l'Amérique est complet, et la domination espagnole entièrement effacée en Amérique.

4° La légitimité doit avoir un sujet réel, positif : elle-même n'est pas une chose idéale, il y faut du réel. Qu'est une légitimité qui ne porte sur aucun objet dont elle puisse disposer, ni sur lequel elle puisse asseoir une action quelconque ? Qu'est la légitimité de Gustaveson et de son fils ? Qu'était celle des Stuart relégués à Rome, ou à Avignon.

5° La légitimité est inviolable dans son principe. Là, elle est un bien pour la société : elle est destinée à la faire jouir paisible-

ment de ses avantages ; mais il ne faut pas qu'elle lui nuise par ses effets et par ses conséquences, car alors elle deviendrait contraire à sa destination primitive. Les relations entre les sociétés existantes sont indispensables pour leur bien-être commun ; mais si, en vertu du droit légitimaire, on les interdisait, qui, dans cette collision, devrait l'emporter, du droit légitimaire, ou du droit des peuples à des relations dont le sacrifice serait plein de dommages pour eux ? S'il plaisait à l'Espagne de frapper d'un interdit indéfini l'Amérique, au nom de sa légitimité, par respect pour elle, l'Europe serait-elle tenue de subir les privations attachées au défaut de relations avec cette contrée, si, de son côté, celle-ci refusait d'admettre les retardataires de sa reconnaissance ? Le cas n'est pas imaginaire, et sera réalisé peut-être plus tôt qu'on ne le pense. Les sociétés humaines se soutiennent mutuellement par des lois de bon voisinage, lois de bienveillance, propres à éviter les extrêmes, et à prévenir les collisions : elles doivent être observées ; mais quand on y a obéi, les obligations sont remplies, et il n'est pas dû des sacrifices aux intérêts d'autrui, aux préjugés et à l'obstination.

6° Les Etats ont à remplir vis-à-vis d'eux-mêmes des devoirs de conservation et de préservation : ils sont tenus de veiller à l'équilibre avec les pouvoirs qui pourraient leur nuire. Dans cette occasion, l'Angleterre, par sa reconnaissance de l'Amérique, s'ouvre la voie vers des avantages qui peuvent lui donner une grande supériorité sur la France. La crainte légitime de cette supériorité et de ses conséquences n'autorise-t-elle pas la France, dans un intérêt de préservation, à imiter l'Angleterre, surtout lorsque cette imitation, par la force des événemens, est devenue hors de danger pour l'Espagne ? Dans ce cas, le droit ne se forme-t-il point autant par les conséquences, que par les principes ? Cette doctrine a été celle des trois puissances du Nord qui forment la grande fédération européenne ; elle les a portées, depuis soixante ans, à n'admettre que des accroissemens parallèles ; le congrès de Vienne a procédé d'après les mêmes principes : pourquoi les mêmes motifs n'agiraient-ils pas avec la même efficacité dans une cause bien plus favorable, puisqu'ici il n'y a pas action directe sur un changement à faire, mais seulement action indirecte sur un changement consommé ? On ne partage pas l'Amérique pour se l'adjuger, comme on a fait pour la Pologne ; seulement on prononce sur un fait effectué, consommé, celui de la séparation de l'Amérique avec l'Espagne, sans en prétendre aucun avantage personnel.

7° La légitimité d'un pays sur un autre, surtout lorsqu'il a été acquis par des moyens fortuits et violens, est-elle de la même nature que la légitimité d'une propriété patrimoniale, ou acquise par les moyens en usage ordinaire dans la société ? Allons plus loin, et demandons si la légitimité coloniale ressemble en tout à la légitimité

que j'appellerai *indigène et concentrique*. Ainsi l'Amérique appartient-elle à l'Espagne comme l'Aragon et la Castille ? La séparation de l'une avec l'Espagne blesse-t-elle l'esprit et presque les yeux comme le ferait inévitablement celle du royaume de Valence ou de la Catalogne ? Il y a raison à tout : les sociétés sont des êtres fort compliqués, et qui dans leurs infinies variétés ne peuvent être assujettis à l'action rigide d'un principe uniforme. Si la mobilité ou plutôt la versatilité est le fléau des sociétés, à son tour l'inflexibilité peut leur causer les plus grands dommages ; car la résistance aux changemens nécessaires n'est pas plus dans leur nature, que l'instabilité : les sociétés ne peuvent être privées de mouvement, et toute son efficacité consiste dans sa mesure.

8° Il n'y a jamais de temps perdu pour revenir au bien. Dans tout le cours de la révolution, le droit légitimaire a été écarté, ou soumis à de grands déchets : vouloir lui rendre une solidité dont il ne peut point se passer est fort bien ; mais cette vue d'ailleurs très saine ne doit pas faire oublier que le rigorisme n'aura son efficacité morale qu'à une distance un peu plus reculée de l'époque qui a comporté de si graves atteintes. L'esprit des hommes ne se familiarise pas avec les brusques transitions : leur efficacité morale se dissipe dans le passage, et l'on éprouve quelque peine à concilier l'acceptation, et la coopération aux changemens qui pendant vingt ans ont en Europe substitué les états aux états, les dynasties aux dynasties, avec les scrupules que l'on témoigne pour une chose aussi naturelle que l'est la reconnaissance de l'état qui s'est formé en Amérique par des moyens analogues à ceux qui ont contribué à former le plus grand nombre des états connus. On peut conjecturer que le rapprochement si facile à faire entre les deux lignes de conduite suivies à des époques si rapprochées, pas plus que le contraste qu'elles offrent, n'ont échappé à l'Amérique, et qu'ils n'y sont pas jugés comme ils peuvent l'être dans quelques parties de l'Europe.

CHAP. XXV.—*Inconvénient du retard de la reconnaissance de l'Amérique. Représailles de l'Amérique.*

Quand une chose ne peut pas durer, quand son terme est certain et comme marqué par la nature, qu'ordonne la raison ? De finir au plus tôt. Elle montre les retards comme inutiles, comme dangereux, et même comme peu courageux : dans la question actuelle il faut donc rechercher, 1° la durée possible du retard de la reconnaissance de l'Amérique, 2° les suites de ce retard.

1° L'Europe est au centre du monde : elle a des relations nécessaires avec l'Amérique, celles-ci croîtront en étendue et en richesses. Comment pourrait-il se faire qu'une grande partie de

l'Europe restât sans relations avec l'Amérique, pendant que l'autre partie en jouirait ? La prolongation indéfinie du retard de la reconnaissance de l'Amérique n'est donc pas dans la constitution sociale de l'Europe : ce retard ne peut donc pas durer.

2° Tous les esprits, tous les vœux des Européens s'élancent vers l'Amérique, à la suite des Anglais. Quand ceux-ci ont franchi le pas de la reconnaissance, les trois royaumes ont retenti de cris d'allégresse, qui sont devenus des appels au deuil sur le continent. Autant les Anglais ont été satisfaits, autant les habitans du continent ont été chagrins : ils ne se croient pas d'une nature plus morale que les Anglais, ni d'une nature plus passive, plus assujettissante aux privations. Rien n'irrite l'homme comme la privation à la vue des jouissances qu'il pourrait partager : il y a pour lui dans cet état privatif quelque chose du supplice de Tantale. Il résulte de là des dispositions moroses et chagrines qui ne sont pas corrigées par la raison : au contraire, elle les fortifie, car elle apprécie leur juste fondement. On a déjà vu des assemblées allemandes exprimer le vœu que l'on ouvrît pour elles avec l'Amérique des relations qu'elles jugent devoir leur être profitables, et dont la privation ne peut manquer de leur être très sensible. Les Européens ne voient pas avec quiétisme les Anglais s'emparer des prémices des moissons américaines : ils sentent que les dernières places leur seront seules réservées ; un pareil partage n'a rien de flatteur pour eux. A qui peuvent-ils rapporter ces pertes présentes et à venir, sinon au maintien du système qui les exclut de la carrière dans laquelle un système contraire de la part de l'Angleterre a introduit ses heureux citoyens ? Les Européens veulent la reconnaissance de l'Amérique : ce sont les cabinets seuls qui ne la veulent pas ; tout vient d'eux, et non des peuples.

3° Le vœu de l'Europe est pour la paix : elle ne recèle dans son sein aucun principe contraire à ces dispositions pacifiques ; mais il n'en est pas de même du côté de l'Amérique. C'est de là que les orages peuvent venir, c'est de là que sont venues déjà ces dispositions aigres qu'a fait éclater l'opposition des principes et de la conduite de l'Angleterre avec ceux du continent. Qui peut répondre qu'elles n'amèneront pas de ces événemens imprévus qui tiennent tant de place dans l'histoire des choses humaines ? et n'est-il pas du plus haut intérêt pour le maintien de la paix en Europe d'aller au-devant de ce qui peut amener des surprises de cette nature, en détruisant dans son germe ce qui peut les causer, la différence de conduite à l'égard de l'Amérique ? tant que cette affaire restera en suspens, la paix de l'Europe sera suspendue à un fil.

La dignité, la considération des pouvoirs publics tiennent beaucoup à l'autorité dont leurs paroles sont empreintes : le respect ne va guère avec les contradictions, et il suit les degrés de celles-ci.

Les gouvernemens de la fédération européenne désirent sans doute la restauration de la haute considération dont ils ont été en possession ; mais comment ce résultat serait-il compatible avec les contradictions habituelles sur les objets les plus graves qui règnent entre les gouvernemens depuis le congrès de Troppau ? Tous les Européens assistent au spectacle de ces débats : des publications officielles leur soumettent chaque jour les pièces de ce procès, et les en rendent juges. Ils y trouvent que les chefs des sociétés, ceux dont ils reçoivent eux-mêmes la direction, ne s'entendent pas sur les principes constitutifs des sociétés ; qu'on peut les opposer les uns aux autres, et que les bases de l'ordre social sont controversées entre les gouvernemens eux-mêmes. Il est impossible que ce conflit ne produise pas dans l'esprit des spectateurs des dispositions fâcheuses à la fois pour les gouvernemens et pour la société elle-même. L'affaire de l'Amérique est une source principale de ces contradictions ; elle ne peut manquer de les étendre et de les aigrir : Il est donc de l'intérêt des gouvernemens de fermer cette porte au principe des contradictions que porte avec elle la discussion de cette affaire. Il faut qu'il y ait une marche commune et uniforme, qui enlève aux détracteurs des gouvernemens jusqu'à leur dernier prétexte, et pour cela il est indispensable que l'on cesse de voir des gouvernemens déclarer illégitime ou licite ce que les autres prononcent être légitime ou bien illicite. Il ne peut y avoir que déchet de considération pour les gouvernemens dans cette opposition sur des points aussi essentiels pour les sociétés.

Voilà les inconvéniens provenant du fond même de l'Europe qui résultent du retard de la reconnaissance de l'Amérique. Voyons ceux qui à leur tour peuvent aussi provenir du côté de l'Amérique. Il se présente d'abord une considération générale, qui est le fruit de ce nouvel état du monde : par lui, chose inouïe dans les annales de l'univers, le monde se trouve partagé en deux parties qui se méconnaissent réciproquement. Fut-il jamais rien de pareil ! on veut, à tout prix, par le sacrifice même des libertés publiques, écarter tout ce qui peut porter de l'ébranlement dans les esprits, au moins c'est le prétexte dont on se sert pour les restreindre. Mais cette opposition directe, cette méconnaissance mutuelle des diverses parties de l'univers n'offre-t-elle pas le spectacle le plus propre à produire cette attention inquiète et presque convulsive que l'on veut éteindre ? La singularité, la nouveauté de cette scène, l'étendue de l'espace quelle embrasse en elle, tout est excitant, tout est irritant, tout est principe des plus vives émotions. Tel est le résultat de la position générale, reste à voir ce que l'Amérique peut y mettre et y ajouter du sien.

Une nouvelle révolution vient de s'opérer dans cette contrée par la consolidation même de sa révolution. L'Amérique antérieure à

la destruction des forces de l'Espagne et à l'affranchissement de toute crainte de la part de l'Europe, n'est plus l'Amérique du temps de ces terreurs : alors elle combattait et craignait, maintenant elle a triomphé, et se trouve placée au-dessus de toute crainte ; il est évident que sa conduite se ressentira de sa nouvelle situation. Elle voudra mettre un terme à un état équivoque qui ne peut que la blesser de mille manières, et sortir d'une position fausse, incompatible avec ses intérêts, sa grandeur et sa force. L'Amérique y emploiera les moyens qui sont en son pouvoir. Sa position est singulière : si l'on ne peut pas lui ravir son indépendance, à son tour elle ne peut pas davantage employer la force directe pour en arracher la reconnaissance. L'Océan à la fois la protège et la borne. Elle ne peut donc agir que d'une manière indirecte. Entre tous les moyens dont elle peut disposer, on en distingue deux principaux : 1^o opposer refus de reconnaissance à refus de reconnaissance ; ne reconnaître que ceux qui la reconnaîtront. Le moyen est puisé dans le *droit* : ce que l'un peut, l'autre le peut aussi, surtout dans un ordre négatif, d'où il ne suit aucun acte directement offensif. Si les monarchies de l'Europe croient ne pas devoir reconnaître les républiques de l'Amérique, quel *droit* interdit à ces républiques de ne pas reconnaître ces monarchies ? Les deux actes résultent de part et d'autre d'une volonté libre et égale en droit. Si l'on était tenu de regarder comme illusoire la nouveauté et la singularité de la mesure, qu'on se rappelle le sort du système continental. Lorsqu'il apparut sous les auspices de Napoléon, à son début il en imposa peu, on lui insultait presque : on a vu quels effets il a été à la veille de produire. Si les monarchies se fient sur leurs forces pour se rendre juges et appréciatrices des républiques, pourquoi celles-ci, se sentant appuyées par une force suffisante, n'useraient-elles pas du même droit à l'égard des monarchies ? Celles-ci ont l'habitude du commandement, parce qu'en Europe elles sont les plus nombreuses, les plus fortes, et d'un usage général ; mais, quand dans d'autres climats, des républiques s'élèvent en force et en nombre, qui peut leur dénier chez elles les droits que les monarchies exercent sur leur propre terrain ? L'Europe n'a pas plus le droit de régenter l'Amérique, qu'elle n'avait eu celui de la conquérir à son profit. Si l'Amérique eût égalé l'Europe en force, sa conquête n'aurait pas eu lieu : eh bien ! la force existe aujourd'hui en Amérique, et la régence européenne n'y aura plus lieu.

L'Europe se conduit comme si elle était la souveraine de l'Amérique : elle pourrait se dire être celle du monde ; mais l'Amérique a dans sa main, et l'aura toujours, une arme puissante qui lui donne de grands avantages sur quiconque la blessera ; c'est sa richesse. Elle ne l'ignore pas, non plus qu'elle est considérée comme un *objet de profit* : par conséquent, *s'ouvrir ou se fermer*, est pour elle

un moyen certain de se faire considérer. Une partie de sa politique est renfermée dans ces deux mots : il y aura richesse et prospérité suivant que j'admettrai ou que je repousserai. Il lui appartient de tenir ce langage ; elle n'a pas besoin d'autres armes contre ceux qui voudraient la blesser ; bientôt le désir de participer à sa richesse les ramènera vers elle. En partant de ce principe, qui est certain, on voit qu'il est au pouvoir de l'Amérique d'attacher cette participation à son lucre, à la condition de la reconnaissance de sa nouvelle existence, et de la mesurer sur les degrés de l'empressement que l'on lui montrera. Ce moyen est puisé dans le *droit* ; il tient de la nature de la peine du talion, qui permet à chacun d'user des moyens de punition correspondans à l'injure qu'il reçoit.

L'effet de cette défensive d'un ordre nouveau retomberait particulièrement sur la France, seconde puissance maritime et commerciale : ses alliés du Nord et du Midi n'auraient pas à en éprouver des conséquences aussi directes, car leur commerce et leur marine sont inférieurs au commerce et à la marine de la France. Cette inégalité dans les effets de l'alliance prouve le vice de sa formation première, et devrait suffire pour avertir la France de sa véritable position, et de son poste véritable.

Il n'y a jamais d'intérêt bien entendu dans ce qui peut irriter : les retards de la reconnaissance de l'Amérique ne sont propres qu'à l'irriter, ils ne peuvent plus avoir que cet effet ; car l'Europe ne peut plus agir sur le fond même des choses américaines ; de plus, les mêmes retards sont des principes d'irritation dans l'intérieur de l'Europe. Ses intérêts intérieurs et extérieurs doivent donc la porter à mettre un terme, par une pleine et entière reconnaissance de l'Amérique, aux inconvéniens graves et nombreux que renferme la dilation de cette reconnaissance.

AN ESSAY

ADDRESSED TO

CAPTAINS OF THE ROYAL NAVY,

AND THOSE OF THE

MERCHANTS' SERVICE;

ON THE

MEANS OF PRESERVING

THE HEALTH OF THEIR CREWS:

WITH

DIRECTIONS FOR THE PREVENTION OF

DRY ROT IN SHIPS.

By ROBERT FINLAYSON, M.D.

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IN THE ROYAL NAVY.

"Ex aquâ oritur aër, ex aëre morbus."

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AN

ESSAY.

PROEMIAL OBSERVATIONS.

ON taking a retrospective view of the progress of Nautical Medicine, one cannot help being struck with the rapid improvements which have taken place in Medical Science, within the last forty years, in the Royal Navy.

During the first American war, and down to the beginning of the late French war, *Sea-scurvy* made such dreadful ravages in our fleets, as frequently to enervate the arm of Power; and it was not uncommon in those days, to find 300 men at once on the sick-list of a line of battle ship; and as many as 250 men have actually died in the short space of one year, by this prevailing malady.

Hence, it was justly observed, by some of the most experienced officers, "that the blockading system of warfare, which annihilated the naval power of France, could never have been carried on, unless sea-scurvy had been subdued; and more than one hundred thousand British seamen have thus been saved to the country, by as many thousand pounds."

Shortly after this disease was subjected in the royal navy, another very remarkable era took place in the Medical Department, which considerably changed the character and quality of the naval medical officers: *viz.* the late Lord Viscount Melville, by his generous interposition with Government, obtained an Order in Council, dated the 23d January, 1805, to give the medical officers of the royal navy the same rank and pay as their brethren in the army; and, from that period, better qualifications were insured, by the candidates undergoing severe examinations at the Royal College of Surgeons, and the then Transport Board; and thus the general character and professional skill of medical officers made rapid advances, under their noble and illustrious patron. Indeed, many, who had been allowed to enter the navy on the spur

of necessity, were required to mend their medical and surgical education, or be expelled the naval service; and those who now offered themselves as candidates for examination, were gentlemen of more extensive information, owing to the rank and respectability which had thus been assigned them in the British navy.

Sea-scurvy, by far the greatest calamity that ever visited the British fleet, had long been on the wane; and, at the beginning of the last French war, made its farewell visit. Since that time, the diseases which have continued to thin our ranks, have been chiefly of the inflammatory kind: *viz.* fevers, inflammations of the lungs and their membranes, consumptions, &c.

Indeed, the long list of inflammatory complaints had become most formidable in those days, in consequence of the difference of opinion that then existed amongst practitioners, respecting the treatment of such diseases. A small party admitted that bleeding and other antiphlogistic measures were necessary, yet had not sufficient confidence in the means they recommended to carry them into practice; and the more numerous party totally exploded depletion, and trusted to mild cathartics and antimonial remedies.

Such conflicting modes of practice were as painful to the practitioner, as detrimental to his patients; and, what between the cavil of party, and dilatory measures, great numbers were allowed to be swept off by the powerful arm of inflammatory disease.

Happily, however, for humanity, and for the British navy, one of the present Medical Commissioners¹ (then the *principal* Examiner at the Transport Board) saw the magnitude of the evil arising from such contrary and dilatory practice; and from the high public situation he held, was enabled to impress on the minds of the young medical gentlemen (whose professional tenets were reviewed by him), the great propriety of early and prompt antiphlogistic means; not only in all the different species of *phlegmasiæ*, but, also, in certain types of fever.

Such principles, from their success, as well as from the high authority by which they were stamped, soon became disseminated, and, ultimately, universally adopted; and in the present day, such inflammatory diseases are cured with nearly a mathematical certainty, by almost every surgeon in the navy.

This revolution in the treatment of inflammatory complaints ranks next, in point of consideration, to the subjugation of sea-scurvy; it has already saved some thousands of seamen to their country, and ought to be accompanied by a corresponding gratitude to the indefatigable labors of this distinguished individual.

¹ Dr. Weir.

"A wise physician, skill'd our wounds to heal,
Is more than armies to the Public Weal."

It would be unpardonable to pass unnoticed, even in this short survey, the very popular and scientific works of Dr. James Johnson:—His "Essay on the Influence of Tropical Climates, more especially the Climate of India, on European Constitutions," &c. stands like a beacon for the direction of the medical officer on *oriental service*, while his other works are equally important to the home practitioner.

The late preference held out by the Commissioners for Victualing His Majesty's Navy, to such as may have graduated at the different universities, cannot fail to have the most beneficial tendency, by exciting more vigorous exertions on the part of the young medical officer; and, in this way, the best interests of the navy have been advanced.

In taking, thus, a rapid survey of the revolution which has lately been effected in nautical medicine, it will appear that sea-scurvy has been almost totally exterminated in our fleets; that the treatment of inflammatory diseases is now so well understood, that they are generally soon cut short, or subdued; and that some of the most formidable diseases within the Tropics, such as *fever*, *dysentery*, and *liver complaints*, have become, at least, manageable, under the salutary directions of certain tropical writers.¹

Yet, owing to the existence of certain long-established and *pernicious* regulations with regard to WASHING DECKS, and the sudden vicissitudes to which sailors are exposed in consequence, this class of men is rendered peculiarly liable to repeated attacks of inflammatory disease. And it is to be, moreover, lamented, that such diseases, even when subdued, have a strong tendency to weaken the constitution, and render the individual more liable to the invasions of chronic affections and consumption afterwards—the *two* great scourges of the British navy at the present day.²

It is with a view, therefore, of being the means of removing some of the existing causes of such inflammatory complaints, that this Essay has been written; for every one will admit, that the prevention of disease (when it can be effected) is better than its cure.

¹ See Dr. Wm. Burnett's (one of the Medical Commissioners) most excellent "Practical Account of the Mediterranean Fever;" see, also, Dr. James Johnson's Essay already mentioned, and Bampffield on Tropical Dysentery.

² The principal part of the *obituary* of the royal navy, at present, takes place at our great naval hospitals, whither the men are usually sent with chronic disease or consumption, after having been frequently attacked, and worn down by the acute forms.

Before finishing these proemial observations, I have to remark, by the way, that while the medical department of the royal navy has thus been making the most rapid march towards perfection, the advancement of naval discipline and naval tactics has not been less conspicuous in the executive.

Within these last ten years, corporal punishments have been reduced to a very limited extent, without any concomitant bad effect; and the *cidevant* customs of *black-listing*, *black-holding*, and *burnishing* of bolts, bars, and cannon-balls, have all been entirely exploded.

The young gentlemen who have lately entered the navy as midshipmen, have received a most appropriate education for the service, either at the Royal Naval College at Portsmouth, or elsewhere, which not only renders them more eligible at their entry, but, also, furnishes them with a store of elementary information, which may be turned to the advancement of nautical science hereafter.

The theory of gunnery is now much better understood among sailors than it was formerly; and the practice of *fencing*, lately introduced into the Royal Marine Corps, has rendered them a most formidable body of men.

Furthermore, clothing has been better suited to the different climates; and pensions for wounds or servitude have been granted to seamen, regulated by the most liberal principles. Thus, it is most gratifying to observe how the health and interest of British seamen have lately been promoted by their generous countrymen, in a strong feeling of attachment, accompanied by pecuniary rewards for past services. Is there a Briton who can for a moment forget the blessings that have been enjoyed for centuries, under the safeguard of our brave tars?—and who can look with apathy on a class of men to whom we are indebted for our riches and commerce in war and peace, and who are our only safe and permanent bulwark in the trying hour of invading hostility? Can we neglect a body of men whose energy increases with the *raving* of the storm, and whose constant practice and highest pride is to show the greatest dexterity in the most imminent danger? Never shall we abandon the brave tar who mounts with alacrity on the quivering shroud, when

“O'er his head the rolling billows sweep.”

Besides, our gallant “sons of the waves” have not been less celebrated in human than “elemental war;” for, when the united powers of Europe were in league against us, British seamen most undauntedly stood forward to wield our naval thunderbolts, and hurl destruction on our most malignant enemies; then, the victorious peals of our artillery resounded from one extremity of the

globe to the other—then, the British flag, triumphant, waved her *red lion* o'er all watery space.

But, alas! good and glorious actions are soon forgotten, or swept away in the current of passing events, inasmuch as this humorous and thoughtless class of men are too often seen in the most unfavorable point of view, spending their holidays on shore; when they commonly indulge in drinking, and make use of loose and indecorous language, leaving the very worst impression on the mind of the public respecting their general character, and rendering themselves an easier prey to a gang of *harpies*, who lurk in all our sea-ports.

British seamen, however, are a class of men to whom any general character may be given by their superiors, from the very best to the very worst. They have long and justly been esteemed for a *disinterested generosity* towards others in distress; and self-interest and personal safety have always been thrown aside, when wanted by their country.

“Alike to him each climate and each blast,
The first in danger; in retreat the last.”

In concluding these introductory observations, I think it proper to remark, that no particular ship or officer has been kept in view; but a fair and general statement of the evil has been attempted to be given, and its concomitant bad effects pointed out.

It is, therefore, against the system of *washing decks* I have to enter my most solemn protest, hoping my humble efforts may call the attention of the scientific world to a fuller investigation of the subject, and that the opinions here set forth may stand or fall according to their merits.

Of the baneful Influence of so frequently Washing Decks on the Health of British Seamen.

“Ex aquâ oritur aër, ex aëre morbus.”

THE bad effects of humidity in our habitations, and moisture in the atmosphere, have been mentioned by almost all physicians of all ages, as being highly prejudicial to the human constitution. Heat and cold themselves, in warm-blooded animals, are, in a great measure, regulated by the different changes the skin and lungs are capable of performing, in order to preserve a uniform degree

of animal heat ; and, hence, the most sudden transition is frequently not attended with any bad consequence.¹

But moisture, when applied to the surface of the body, has the power of robbing it of a large portion of its heat, and leaving the extremities of the vessels, which terminate there, in a weakened and paralysed state, thereby rendering them less vigorous in resisting the impressions of passing vicissitudes.²

Besides, moisture, when applied to the lungs and capillaries on the surface of the body, always produces cold, owing to the large quantity of heat it requires to convert water into vapor ; and, in this way, the size of the blood-vessel on these extensive surfaces becomes lessened, whereby the balance of the circulation is destroyed, by being directed chiefly to the main trunks in the interior. The course of the blood being thus confined more to the centre, its impetus there will, in consequence, become increased or deranged ; and when there is the least disposition to disease in any internal organ, it is evident how much it will be aggravated, by thus receiving the sudden shock of the circulation from the surface to the centre. Indeed, it is by the injudicious application of water, that three fourths of all the diseases in the navy are induced.

It excites inflammations of every species and degree, from the simple catarrh to the severest pneumonia, and generates complaints of every kind, from the mildest functional derangement, to the most hopeless organic disease.

On board of His Majesty's ships, where several hundred people sometimes live together in so small a space, much attention to cleanliness and ventilation becomes absolutely necessary ; and every Englishman, "from the prince to the peasant," is ready to exclaim, "Cleanliness is next to godliness," and this is frequently the motto under which the advocates for diurnal irrigation take their stand ; forgetting, that water, like wine, may be misused ; and that it is easy and common to convert the greatest blessing into the veriest curse, by misapplication.

Science, however, has always been slow and wavering in its march, and every age and profession have their prejudices ; and it is common to shake off one class, only to embrace another.

Thus, under the oscillation of public opinion, I am aware of the great difficulty there will be in attempting to effect any change on a system that has been long established : for, in endeavoring to introduce any improvement, a necessity is naturally implied, and

¹ In passing from the cabin to the open air, and *vice versa*, the men were in the habit of undergoing a change of from 80° to 120° without any inflammatory disease being produced.—*Parry's Voyage to the Arctic Circle*.

² "It has been remarked before, that an animal might be frozen to death in the midst of summer, by repeatedly sprinkling ether on him."

thus the character or judgment of the individuals concerned becomes implicated.

They, on the other hand, set themselves in array against innovations, and regard with strong veneration the customs and even the prejudices of their puerile years; and the older the individual is, the more obstinate will he be to relinquish his early conceptions, however erroneous they may be. Hence Dr. Cullen used to say, "Habit makes us believe and revere the grossest absurdities." But to return to my subject, *viz.* the consideration of the pernicious effects of so repeatedly WASHING DECKS on the health of British seamen: and first—

Of Washing the Main and Quarter Decks.

WASHING DECKS in His Majesty's navy, is generally conducted under the direction of the lieutenant of the morning watch, while at sea, and by the first lieutenant, or, more frequently, the mate of the morning watch, in harbor. The watery operations most usually commence about half past four, or five o'clock A. M. and are generally finished just in time to go to breakfast a little before eight o'clock.

And as the quality of the officer is frequently estimated by the style in which he performs this piece of service, the greatest pains is, consequently, taken, on the part of the lieutenant or mate, to give complete satisfaction. When the ship is at anchor, all hands are turned up at half past four; but when she is at sea, the morning watch only is called. Immediately the watch comes on deck, water is pumped from the main deck, and drawn from the head, and thrown on the main and quarter decks in the utmost profusion; and this is followed (or sometimes preceded) by buckets of sand being strewed on the decks, and the seamen, during the whole of this period, are compelled to work without their shoes and stockings (although the thermometer may range at or below the freezing point), dragging the large holy stones, working the hand holy stones, pumping and carrying water, and, ultimately, using brooms and swabs to dry the decks, before going to breakfast.

The large holy stones, are stones, *en vérité*, with smooth under surfaces, slung in the middle by a rope, and dragged backward and forward by means of six or eight stout hands; these stones (as may be anticipated) have the property of rendering the deck whiter and smoother, as well as of grinding every species of animal and vegetable matter into a fine pappy consistence.

The hand stones are used in the corners, and where the larger ones cannot be applied; and, during the whole of this process,

the weight of the body is sustained on the naked knee, as they can only be conveniently used in that posture. It would be endless to enumerate the diseases of the knee-joint I have seen excited by thus throwing the whole weight of the body on the knees.

After the large and small holy stones have been kept in play for upwards of two hours, by which the decks have been worn and saturated with moisture, the men's clothes drenched, and every atom of matter finely ground down, they are set aside, and this well-blended heterogeneous fluid is suffered to escape by means of the scupper-holes.

The dumb-scrapers are next used to take out stains, which could not be acted on by either of the holy stones; and, thus, by the assistance of more water, brooms and swabs, the operations (as already mentioned) are completed about half past seven or eight o'clock.

Let us now examine the effects of this system of cleaning the ship on those individuals who had just been turned out from their hammocks, and who have passed three hours and a half of an amphibious existence, previous to going to breakfast. Let us also remember that, in this watery circle, the victims of venereal pleasure, who have just completed their six weeks' course of alterative medicine, meet with the hepatic valetudinarian after a long residence in a tropical climate; or the friend of his youth, who has a predisposition to, or is already affected with, incipient consumption, &c. all performing their various parts in the watery throng. But the evil arising from those early and tedious forms of ablution, has not yet been seen in its most alarming shape; for during the period that water was so lavishly dashed on the decks and sides of the ship, it is evident the seamen could not escape being wetted; and in this state they go down to breakfast; and from which they rise to the cleansing or

Washing the Lower Deck.

THE washing or cleaning of the lower deck, after breakfast, now remains to be described. This piece of service is performed in one of the three following ways: *viz.* 1st, by dry holy stoning, *i. e.* using dry sand, and rubbing it on the deck without water; 2dly, washing the deck after the same manner as the main and quarter decks which have already been spoken of; and, 3dly, by sprinkling and scrubbing, that is, watering the deck in a different way, either by throwing it out of a bucket with the hand, or applying it by means of wetted swabs to the whole surface of the deck. Afterwards dumb-scrapers are used, and where those

implements cannot be applied, the seamen's knives are generally called into action, for scraping the previously wetted tables and ladders, &c. and the second ablution is usually finished about half past ten or eleven o'clock.

In those ships where sprinkling and scrubbing are practised to do away with the name of washing decks (but its effects are nearly the same), there are, in general, two days set apart in every week (Thursday and Sunday), for making the utmost effort in the cleaning art. On those days, every wooden surface below is doomed to be visited by holy stones, sand and water, dumb-scrapers, knives, and swabs, so that the decks, &c. may be put in a proper state to meet the approbation of the commanding officer, who generally goes round after such occasions, to bestow praise or censure, as he may judge necessary.

After breakfast, on the above-mentioned days, the bustle of working the holy stones, carrying water, and strewing sand on the deck, becomes general over the ship; and, as the washing is supposed by many to do good, and be salutary, according to the quantity of the element used, I have frequently seen the whole lower deck covered with water to a considerable depth, while the small and great eight-handed holy stones were ploughing the water on the surface of the deck in every direction.¹

After these measures have been pursued for a certain length of time, regulated by the opinion of the superintending officer, an effort is at last made to dry the deck, either by swabbing up the water, or allowing it to escape by means of two small scuttle-holes, that are usually cut through the deck close to the ship's side, by which the sand and water, vegetable and animal matter, pass down between the ship's side and her lining, and, ultimately, percolate into the hold.

I sincerely trust the time is nearly past for any one to assert, that no bad effects will arise from this exposure, and the accumulation of such a mass in the lower department of a ship; in any place or climate, but more particularly within the Tropics, where the putrefactive process runs its course most rapidly.²

Let us now return and take a careful survey of the lower deck,

¹ It will hardly be credited, that the rage for washing in some ships is carried so far, that the midshipmen's chests and others, on the lower deck, are regularly white-washed about thrice a week, by a man who goes round with a bucket and brush for that purpose. The injury done by this custom is beyond calculation, not only in diffusing moisture, but, also, by the lime or chalk absorbing the oxygen or vital part of the air, for which it has so strong an affinity; and, from this cause, the constitution of the atmosphere of the lower deck becomes greatly deteriorated.

² On going first to a warm climate, one is instantly struck by the rapidity with which even metallic substances become rusted.

half an hour after this system of washing has been finished ; and let us observe the influence of the moisture on the health of its inmates. It ought to be kept in mind, that the men have been laboring in water since half past four o'clock, with the exception of the breakfast hour ; and then, their clothes had been wetted by previous'y drawing, carrying, and throwing water on the main and quarter decks. Under this system of cleaning the ship (let us suppose the month of December has been ushered in), we shall find, on examination, the deck and every other article below, thoroughly saturated with moisture, and in this most miserable situation will generally be found the following persons, sitting or lying on deck, and that most probably in canvas trowsers, *viz.* individuals resting from fatigue ; the habitual drunkard taking his nap after last night's debauch ; tailors, who are compelled to sit on deck professionally ; seamen and marines, making, mending, or cleaning clothes ; the lazy, the delicate, and those undergoing a course of medicine, are all doomed to suffer by this humid enemy, from which they cannot fly, and which has now become fixed in the decks after such constant previous application ; and long before it can be dried by animal or combustible heat, it is again deemed necessary to have recourse to ablution, and so on *ad infinitum*.

It will appear, on reading the foregoing statement, that British seamen are in the habit of laboring in water at least three hours daily, before breakfast, and nearly double that time (twice a week) in those ships where washing the lower deck is practised ; and every morning after breakfast, in other ships where sprinkling and scrubbing are deemed salutary. But, as any thing in the shape of exagge-

In the West Indies and at Bermuda, polished iron surfaces and buttons become partially oxidized in a few days ; while at Quebec, but yet more particularly at Montreal, some houses which have been covered with tinned plates for forty years, remain still untarnished ; and scythes, &c. exposed to the open air, in that country, continue nearly free from rust till the ensuing year.

It is generally admitted, that iron has the property of decomposing water by uniting with its oxygen to form rust, while hydrogen, the other component part of water, is carried off by caloric in the form of hydrogen gas.

It would appear, however, this process does not take place rapidly, unless the atmosphere has been previously charged with marine evaporations. For to what are we to attribute the little or non-oxidizement of metal at Montreal, but to its great distance from the sea ; or, in other words, from all the oceanic exhalations having been condensed on their passage hither by the tops of mountains, and immense tracts of cold desert land, over which the wind has to pass before it reaches that city.

Rain-water, in Europe, according to Margraaf, always contains traces of the muriatic and nitric acids ; it would be interesting to learn, if rain near Montreal (at a distance of 500 miles from the sea) is impregnated with marine acid.

ration would defeat my purpose, I would rather be under than over the truth ; and certainly it cannot be denied, that British seamen, on an average, are daily three hours employed working in water, and the remainder of the 24 hours under its pernicious influence.

Although washing the lower deck is so very hurtful to the constitution of seamen in the temperate zones, by producing a continual train of inflammatory complaints ; yet it is, sometimes, far more dreadful in its consequences within the Tropics. It being generally admitted, where ablutions of the lower deck are most frequent, the greater will be the quantity of vegetable and animal matter, which finds its way into the lower department of a ship ; and, consequently, the greater will be the danger of fever ; admitting animal and vegetable matter in a state of putrefaction, to be its great common cause.

All vegetable and animal substances, when deprived of life, have a tendency to perform a retrograde process, and are dissipated in the atmosphere in the form of putrid gas.

In tropical climates, this process is known to be quickest, owing to the greater strength of the putrefactive agents there ; which are, 1st, a high range of temperature ; 2dly, a certain quantity of moisture ; and, 3dly, the free admission of atmospheric air.

And it is not a little wonderful that, even by the partial abstraction of either of these destructive agents (heat, air, or humidity), we are enabled to preserve vegetable and animal substances from decay, for a great length of time.

I am aware, that the present pernicious practice of so frequently washing decks, is founded on the venerable monument of ancient custom, rather than want of attention towards the health of our mariners : and it would be wonderful indeed, if there did not exist some difference of opinion between officers, respecting the best mode of cleaning a ship, as well as on every other subject.

It cannot be denied, however, that executive officers generally adhere strictly to that method of cleaning which is best adapted to give the fairest show ; while, on the other hand, the surgeon usually recommends those measures, which he thinks will give him the least trouble.

It is painful to remark, that there generally exists an unbending disposition on the part of an executive officer, to yield to the suggestions of a surgeon, however salutary his injunctions may be ; partly, it is true, because this is not the source from which orders should be issued ; and partly too, from a certain *esprit du corps*, and a belief that the customary means are preferable.

For instance, I was once in a line-of-battle ship, where the surgeon recommended dry holy stoning the lower deck, in place of

washing it. The captain preferred the latter method, and firmly persevered in it. The consequences were, that the lancet was kept going by the surgeon, to retard the ravages of inflammatory disease, occasioned by continual humidity; and the water buckets were daily kept plying on the lower deck, by the captain's orders, on the alleged principle of allaying the dust and sweetening the ship.¹

In the following year, the same ship was commanded by another captain, attached to the same station, and performing exactly the same kind of service. This officer happened to be one of the few who recommended keeping the lower deck perfectly dry: and such were the happy consequences of this change, that not a single case of acute disease appeared for several months, and the medium number on the sick-list did not amount to one third of that of the preceding year.

I will leave the scientific world to judge, which of the above modes ought to have been adhered to; yet, I am fully convinced, both individuals had the welfare of the ship's company equally at heart. Hence, the propriety of having certain salutary regulations made official, or so intimately blended with the service, that they cannot be deviated from. It was by having demands for vegetables and lemon-juice interwoven with forms of service, that sea-scurvy was subdued; and it is only by putting certain barriers to washing decks, &c. that the dreadful class of inflammatory diseases is now to be diminished; and it was under a hope of obtaining so desirable an object, that this Essay took its origin.

Of cleaning a Ship's Hold.

THE practice of allowing filth to accumulate in a ship's hold to a great extent before it is cleaned out, is another link in the morbid chain of humidity, by which the inmates of the lower deck are often doomed to suffer.

No rule can be laid down for cleaning a ship's hold so good, as that it must be done as often as it becomes filthy; and it follows, as a consequence, that those ships, which are most famed for having their lower decks washed, soonest acquire an accumulation of filth in their holds.

In tropical climates, we are most imperatively called on to be

¹ After the diurnal operations of bleeding and washing were gone through, the waggish tars used to say, "Now the doctor has taken his blood and the captain given his water, they hoped the purser's steward would soon follow with their grog."

punctual in this respect, in order to prevent fever being generated by such a cause.

Again, in colder regions, such punctuality is not necessary, as cold has the power of partially arresting the process of decomposition.

I am here compelled to observe, that cleaning a ship's hold is a duty that is in general carelessly performed, because it is an unpleasant part of the service, and one that leaves no external mark for approbation, like washing and scrubbing. Hence, it is usually neglected or evaded, by saying there is no necessity, until fever has commenced its ravages.

Cleaning a ship's hold, however, is genuine cleanliness, and as salutary as washing the body and putting on dry clean linen; while washing decks may be compared to shifting oneself into wet clean clothes. It will appear rather paradoxical to assert, that an extraordinary ship for washing is always a dirty one; but when we recollect the general tendency of the operation is that of washing filth from the surface of the lower deck into the holds, through the medium of the scuttle-holes, &c. the observation then becomes less objectionable.

Of Bilge Water.

WATER is never obtained quite pure from nature, for even rain water is known to contain small traces of the muriatic and nitric acids:—and, in watering a ship from spring water, it is always found to hold a certain quantity of earthy salts in solution.

When river or marsh water is used, it is constantly found impregnated with animal and vegetable exuvix in a suspended state, undergoing decomposition. On going to sea, after being so watered, the heat and impure air of the holds, together with the motion of the vessel, soon produce a spontaneous change in the water in cask; and that oozing through the ship's sides, and these united agencies, give origin to that fetid smell, commonly said to arise from the "Bilge Water." This is, in fact, a mixture of impure sulphuretted and carburetted hydrogen gases, varying in strength, in proportion to the quantity of foreign matter contained in the water, newness and tightness of the ship and casks, and degree of heat and motion at the time.¹

¹ *Carburetted* and *sulphuretted* hydrogen gases are formed in the following way:—When water is partially decomposed, either by being kept long in cask, or subjected to great heat and pressure in oozing through a ship's sides, the carbon of the wood unites with the hydrogen of the water, to form an impure carburetted hydrogen gas. During hot weather, and when there is great motion in a ship at sea, this gas may be collected in the well of a

Both these gases are highly deleterious to animal life, and, from their being of greater specific gravity than atmospheric air, they will not give up their residence in the lower department of a ship (where they were generated), unless dislodged in the way hereafter to be mentioned in the chapter on Dry Rot.

Of wet Hempen Cables.

THE common practice of coiling down wet hempen cables in the tier, immediately after they have been hove in, fully saturated with moisture, is another very injurious and unskilful custom in the royal navy. First, by conveying moisture into the tier, from which a continual evaporation is kept up; and, thus, the inmates of the lower deck are not only doomed to suffer, by internal, but from all circumambient causes. 2dly. Every one who is only acquainted with the rudiments of science, must be fully aware, how much the destruction of a cable is promoted by adding moisture to the heat of the tier (the chief agents of decomposition), on a perishable article like a hempen cable.

Farther, humidity, like caloric, has a tendency to equilibrium: hence, the hammocks, men's clothes, and every article on the lower deck, absorb moisture, until they reach an equal state in point of saturation with the mean of the surrounding objects.

Should a due regard for health not be sufficient to deter us from this unsalutary practice, surely, the great expense the country is put to on that account, and the yet more important consideration of greater personal safety, ought to induce us to abandon this custom.

Moreover, when we consider that, in many perilous situations, a cable is the only connecting link between life and death to a ship's crew, one would not, *a priori*, anticipate any objections to preserving it in as perfect a state as possible. I would, therefore, recommend, that cables should uniformly be allowed to dry on the main deck (except in cases where it is necessary to have it clear for action) before being coiled down in the tier.

The iron cable, from its uniformity in point of strength, and its non-absorbing qualities, possesses advantages over the perishable hempen one, both in regard to safety and salubrity, which ought not to be forgotten in comparing them.

ship's hold, by a bottle, after the same manner that gases are collected in a pneumatic trough. *Sulphuretted hydrogen* gas is formed thus: during the putrefaction of the animal and vegetable matter contained in water, sulphur is evolved, in union with hydrogen, to form this fetid gas.

Of Impure Air.

The vital air
 Pervades the swarming sea and heaving earths,
 Where teeming Nature broods her myriad births;
 Fills the fine lungs of all that breathe or bud,
 Warms the new heart, and dies the gushing blood;
 With life's first spark inspires the organic frame,
 And, as it wastes, renews the subtle flame.

DARWIN.

THE absolute necessity of animals breathing pure air, in order to enjoy good health, has been admitted, even by those who entertain opposite opinions on almost every other subject.

Even food itself is of less importance to warm-blooded animals than pure atmospheric air. The one, we only require at stated periods, but our demand for the other is continual, during the whole of our existence.

Happily for man, he has not to depend on his own industry, nor the caprice of others, for his atmospherical supply, otherwise his preservation would have been in continual danger. But the great and bountiful Author of Nature has secured us against such a risk, by the universal diffusion of atmospheric air over all habitable space. Yet, although we are liberally supplied, so far as regards quantity, we are frequently doomed to suffer from aerial changes, and their occasional insalutary impregnations.¹ But as atmospherical mutabilities arise from causes we are seldom able to counteract, they are only to be guarded against by suitable clothing.

Impurities of the air are sometimes more within our range of action, being frequently generated by known causes, as putrid marshes, filth in a ship's hold, &c. and this leads me to consider its bad effects on those exposed to its influence.

It has been calculated, that the internal surface of the lungs of a man of common size, measures upwards of 21,000 square inches. It is evident, when this extensive surface comes in contact with air, loaded with moisture or charged with pestilential gases, disease must be generated in the latter instance, and heat abstracted in the former; owing to water being a most powerful conductor of caloric.

Besides, air, thus saturated by humidity, is incapable of giving a due degree of excitement to the circulation, consequently, digestion, and all the secretions and excretions, become impaired.

¹ This seems to be in unison with the great divine plan; something is generally left us to perform, and it is only in making such attempts that talent is developed and discoveries made.

It is furthermore certain, that moist air is lighter, and contains less of the vital stimulus, than dry air; hence, it follows, that the heat of the body is reduced two ways; first, by moisture, and secondly, by a deficiency of oxygen in the atmosphere, the source of animal heat.

Of Wind-sails and Stoves.

THE popular system of washing the lower deck would be less lamentable, if its effects were only temporary, or if we possessed the means of counteracting its baneful influence. But hitherto we know of no remedy which has the least claim to being even generally useful, and thus a strong disposition to disease is planted, with the most limited means of removing it.

Wind-sails and stoves are the means resorted to at present, for drying and ventilating a British man-of-war; and they may very properly be nominated a *remedium miserabile*.

In ships where wind-sails are put down every morning, after the manner of other routine duty, and suffered to remain, though rain or strong wind should supervene, they are often productive of much harm, by being a medium for the introduction of moisture and strong wind into the lower deck.

In fact, wind-sails cannot be used at all (at least with advantage), either during the presence of strong wind, rain, or calm weather; and seldom when the ship is under way.

When air is introduced into the lower deck, through the medium of these canvas conductors, they, of necessity, end abruptly near some of the men's berths; and if the wind should happen to be at all strong at the time, the current of air will be such, as to be very hurtful to those who sit in the vicinity of their termination.

Again, during the continuation of fair weather, with gentle breezes (when they are least wanted), wind-sails will have a salutary tendency, if carefully trimmed and shifted.

But whenever the wind is strong, the termination of the wind-sail should be directed from the men's berths towards the ceiling of the deck, by means of an elbow, to be attached and detached at pleasure, as recommended by the Right Hon. Sir John Sinclair, Bart.¹

¹ During the period I belonged to the Royal Squadron, on His Majesty's visit to Scotland, the Right Honorable Sir John Sinclair, Bart. did me the honor to give me a plan explanatory of his "Improved Mode of ventilating Houses," and, at the same time, suggested to me the propriety of attaching an *elbow* to the bottom of the windsail now in use in His Majesty's ships, in such a way, that the force of the current might be expended on the ceil-

Thus it appears, from what has been observed, that there are many circumstances which render the operation of wind-sails uncertain, negative, or detrimental; and that, on the whole, they are far from being a remedy against moisture.

Of Stoves.

STOVES are not allowed to a sufficient extent in the royal navy, nor are the small number issued, often put under requisition.

But, if both these defects were remedied, any number of stoves would not be capable of drying in ten hours, that which had been wetted in as many minutes. For, owing to the peculiar construction of a ship's stove, the rays of heat are totally radiated upwards, drying only the atmosphere and ceiling of the deck; leaving the lower deck in nearly its original humid state.

Moreover, there is usually a sulphurous smell emitted from such stoves, impregnated with the deleterious fumes of carbonic acid gas; which, on the whole, does more harm than its heat does good.

Indeed, I never saw any advantage derived from the application of combustible heat; and I am sorry to add, the only permanent means of drying the decks, which has come under my observation, has been through the medium of animal heat; I mean the evaporation of moisture from the decks, by the abstraction of heat from the human body.

Of Drunkenness.

Who hath wo? who hath sorrow? who hath contentions? who hath babbling? who hath wounds without cause? who hath redness of eyes?

They that tarry long at the wine; they that go to seek mixed wine. At the last, it biteth like a serpent, it stingeth like an adder.

Prov. of Solomon.

THE bad effects of Drunkenness in the Navy stand next, in point of fatality, to the pernicious influence of humidity on the health of British seamen. It is not only the sin which most easily besets English sailors, but British subjects in general.

It has long ago slain its tens of thousands, and its seducing and soothing influence over the sensorium, seldom or ever suffered mortal to escape that once came under its powerful dominion.

ing of the lower deck, between the beams. By such an alteration (as the Right Honorable Bart. observed), "the air would be more uniformly diffused, and any possibility of the bad effects of a draught totally prevented."

Drunkenness may truly be nominated an incurable disease, and is only to be evaded by guarding against its commencement.

Spirits, however, are the means of retaining many seamen in the British navy, and often serve as a kind of opiate to those who may have been driven by necessity to enter, or who have been pressed; and are frequently highly useful to qualify bad water. Under these circumstances, our attention ought to be directed, to the best mode of giving them to do the most good, with the least accompanying evil. This will be found, however, to be a most difficult undertaking; for how shall we be able to name a quantity of rum, that would be uniformly salutary, as a daily allowance, to men of every constitution, exposed to the vicissitudes of all climates? Placed in such a position, that quantity which is best suited to the majority of men, ought to be adhered to, and our naval predecessors have been induced to consider half a pint of rum, mixed with three half pints of water, as the most salutary quantum for a British seaman in 24 hours. Doubtless there are a number of mariners who can drink this quantity, and on many occasions with much benefit, yet there are many, otherwise strong men, who are literally made drunk by their grog;¹ and many men who are weakly, and those laboring under incipient pulmonary and hepatic affections, are hastened to that "bourn from whence none return," by the daily stimulus of their allowance.

As a suitable allowance to valetudinarians, and those of a certain idiosyncrasy of constitution, cannot be laid down by rule, it is only to be regulated by an officer having a minute knowledge of the respective individuals.

I think, the Admiral's mixture (grog) might still be improved, by adding about 1lb. of sugar to 16 men's allowance of grog. This *addendum* would render the beverage more nutritive and agreeable to the seamen, and I will venture to say, the sugar will unite the spirit to the water by a stronger affinity, and on this account intoxication would be less frequent. It is well known, spirits and water is more inebriating than a quantity of fermented

¹ Admiral Vernon was the first who introduced the salutary practice of mixing the sailors' allowance of spirits with water, and, like every other man who ventures to depart from the beaten path, was branded with the name of Innovator, and had the nickname of Old Grog, or Grogram (from a kind of silk gown he wore), attached to him through life. The great advantage derived from this change to the seamen is best calculated, by observing the confusion and intoxication which take place on certain days, when they are allowed, by way of favor, to receive their spirits unmixed. I venture to assert, that the change (simple though it may appear) was of infinitely more advantage to the country than the taking of Porto Bello, for which the gallant Admiral received the thanks of both Houses of Parliament.

liquor, (as wine, cider, porter, &c.) containing the same quantity of alcohol. The cause is as follows.

When spirits are diluted with water in any proportion, their mutual affinity for each other is so weak, that the heat of the stomach soon separates the former, which, from its volatility, attaches itself to the superior parts of the stomach, and its effects are thus indirectly communicated from the stomach to the brain, through the medium of the nervous system. Whereas, in fermented liquors, the spirit, water, and other component parts, are so strongly united, that the heat of the stomach is not sufficient to separate them; and they are, in this combined state, directly introduced into the system, and conveyed to the brain through the medium of the circulation only.

The truth of this observation may be proved by experiment out of the body, and accounts for the different effects of fermented liquors and diluted spirits on the human stomach. I have frequently remarked, that grog is less intoxicating, when combined with sugar. Inebriety being a crime for which punishment is very justly awarded in the navy, the greatest care ought to be taken, never to give that with one hand, for which we are obliged to inflict punishment with the other. Power, therefore, might very properly be given, to issue only half or two thirds of the usual allowance to those individuals who cannot drink the whole with benefit to themselves. In the mean time, I am not aware that a man's grog can be legally stopped or lessened unless he is actually on the sick-list.

When a man is charged with the crime of drunkenness, on examination, he is said to be either drunk or sober; but, in many cases, it will be found exceedingly difficult to point out the exact line of demarkation, or to say where sobriety ends, and inebriety begins; in all such doubtful cases, the odds should be, and of late years generally have been, given in favor of a British tar.¹

It has long been remarked, that sailors are the most imprudent class of men any where to be found, consequently the least capable of taking care of themselves in any one way. Doubtless, this peculiarity of character, or apathy respecting their own interest, arises out of the circumstances by which they are surrounded; namely, by having a complete supply of food and raiment provided

¹ It ought to be highly gratifying to every British subject, to learn how very sparingly the rod of correction is now used in the naval service, without any falling off in point of discipline or morality on the part of the seamen.

During my late triennial period of servitude in His Majesty's ship *Phaeton*, punishment has been exceedingly rare, but well directed; yet, I never served in a ship with so few drunkards.

for them by Government, put under the charge of the purser, to be issued to them when wanted. Since seamen, therefore, are so perfectly insensible to their own welfare, it becomes necessary, that their officers should be on the alert for them, by guarding them against intemperance; regulating their clothing to the climate and season of the year; judiciously ventilating their berths; frequently airing their bedding; and sheltering them (as much as possible) from rain and a scorching sun; &c.

And it is in proportion to the care and patience which an officer displays in thus administering to the comforts of the men under his charge, that he is useful to the service and valuable to his country. Moreover, those individuals in the service require the most attention, to whom we are disposed to give the least; for the more abandoned a character is, the more care is necessary to preserve his health. Hard drinkers, for example, are well known to be most subject to disease in the royal navy; and this arises from two causes; first, the greater degree of exposure to which such individuals are subjected in this state; and, secondly, the subsequent weakened state of the circulation.

I have here to observe, before leaving this subject, that inebriety is not only hurtful to man in a moral point of view, but some of the most noble of his physical qualities are not a little deteriorated by it. It has often been observed, "that men, whose spirits have been exhausted in the revel and danger of a debauch over night, are nerve-shaken, timorous, and unenterprising, on the succeeding day."¹

It is true, British seamen have rarely been found wanting in physical courage, yet, if the majority were drunkards, we might tremble for the result; but this is supposing a state of morality different to what exists, or applying the faults of the few to the many: happily, we still retain that steady native courage, the legitimate offspring of an unconquered ancestry, who, for centuries past, have kindled with indignation at an invading foe,

"And stand a wall of fire around their much-lov'd isle."

Remedy against Humidity on the Lower Deck.

It would serve no good purpose, thus to have pointed out the

¹ This doctrine would almost lead one to conclude, that a man's courage depended on the strength of the circulation, or action of the heart and arteries. Be that as it may, most men are undoubtedly fitter to meet danger, when the circulation has been a little excited by spirits or wine, than after its stimulant effects have ceased. Moreover, I have observed, that those persons whose pulses were slower than the animal standard, have at least been *timorous*.

destructive influence of washing decks, if prophylactic means were not, to a certain extent, within our reach. In order, therefore, to preserve the health of a ship's company, the lower deck ought never (or very seldom) to be washed in any season or climate, but, uniformly dry, holy stoned, and any water that may have been accidentally spilt there, should be carefully and speedily swabbed up, and afterwards dried by means of warm sand or sawdust, kept in a stove in the galley for that purpose.

When the lower deck has been kept after these directions for a short time, it will be found, on examination, that it has become white, dry, and comfortable; and, in the event of seamen sitting, lying, or even sleeping, on it, they will not sustain the least injury: and, not only the bedding and clothing, but even the usual hygrometric state of the atmosphere between decks, will be materially improved, and general good health will be the happy result.

Of the Time and Method of Washing the Main and Quarter Decks.

As the main and quarter decks will occasionally require to be washed, the best judgment ought to be exercised in selecting the fittest hour of the day, and taking care never to continue the operations longer than are absolutely necessary for cleanliness' sake.

Ablution can never be necessary or salutary on the quarter deck in a morning after it has rained, nor should it ever be practised in cold climates, in winter, before breakfast (at least on the present tedious plan, which requires full three hours), but an hour in the forenoon ought to be reserved for that purpose. It has been remarked by many, that the human constitution suffers severely from standing long in water, soon after rising in the morning. I think this may be accounted for in the following way.

It is well known that, during sleep, the heat of the hammocks, the crowded state of the lower deck, and the fuller action of the heart, elicit the circulation more to the surface of the body than in the erect position.

When, therefore, seamen are called up in this state to work in water, under the diminished temperature of the morning, the rush of blood from the surface to the centre is such, that no individual, having the least tendency to internal disease, can sustain the shock, without suffering the most manifest injury.

Whereas, if washing decks were performed after breakfast, time would be given for the seamen to recover from the effects of the heated and vitiated atmosphere in which they had slept; and the system, being now fortified by breakfast, would sustain little

injury by washing decks, under the increasing temperature of the forenoon.¹

The transition from a warm hammock, in a crowded lower deck, to the main and quarter decks, early in the morning, on many occasions, in winter, is greater than the shock from the warm to the cold bath; and this evil is much augmented by its long continuation. Yet custom, and the robust health of many seamen, prevent them from complaining: but we are not to measure the bad consequences of cold and moisture by their effects on such individuals; it is on the delicate their baneful influence becomes daily evident; who are, in fact, a kind of test to the rest of mankind, by which they are enabled to judge of the salutary tendency of the place they live in, and the habits they practise.

I am fully aware, that the time here pointed out for washing the main and quarter decks, will be objected to by many officers, on account of its breaking in on the forenoon; but, *magna est veritas et prevalet*. Let such individuals recollect, that every thing in the shape of show or parade, and even ordinary duty itself, ought to be sacrificed to the most important of all purposes; viz. taking care of the health of our brave seamen, the real source of strength and national independence.

But, unfortunately, we seldom hear the interrogatory, Under what regulations will a ship be most healthy? The great consideration is, generally, Under what system will she look best?

Of the Means of preventing Drunkenness, and ascertaining the Air's capacity for Moisture.

O'er the dread feast malignant Chemia scowls,
And mingles poison in the nectar'd bowls;
Fell Gout peeps grinning through the flimsy scene,
And bloated Dropsy pants behind unseen;
Wrapp'd in his robe, white Lepra hides his stains,
And silent Frenzy writhing bites his chains.

DARWIN.

To trace out the extent of human calamity produced in the different classes of society by the varied effects of wine, spirits, and malt liquor, would furnish materials for one of the most melancholy tales ever heard by the human ear: for, alas! there are too many "who drown the memory of the past, the frightful anticipations of the future, the remains of moral feeling, and the bloom

¹ Few seamen have a healthy color: this undoubtedly arises from humidity, and the vitiated constitution of the atmosphere of the lower deck.

of health, in the ocean of ebriety. There is an external character, a manner, an aspect in the inebriate, even when sober, which stamps him from the man of habitual temperance; he becomes heavy and awkward in his gait, bloated in his countenance, his eyes and eyelids are inflamed, he falters in his speech, his nose is red, his complexion sallow, his face covered with eruptions, his breath fetid, his skin and muscles are flaccid, and his hands tremble."¹

Yet, with this most frightful picture of human misery before our eyes, there are a great many who maintain that drinking to excess, occasionally, has a salutary tendency on the human constitution:—

"Qu'il faut à chaque mois
S'enivrer au moins une fois."

And having this belief confirmed by its temporary soothing effects on the sensorium, they are soon induced to consider *chaque jour* a more agreeable period to repeat the stimulus, than *chaque mois*, and thus the habit becomes established.

It will be found more difficult to remove drunkenness from a ship than any other evil of the present day; for it is neither to be cured by actual punishment, nor by any other means whatever, when it has once taken deep root in human nature. Yet, a well-regulated and effective police, under the immediate direction of a patient and judicious first lieutenant, will greatly lessen the unequal distribution of grog, and prevent, at least, tumultuous drunkenness.

Particular care ought to be taken, that every one drink his own allowance, or that it be stopped; and, thus, the possibility of borrowing, buying, and selling, will be effectually checked. The bad effects arising from the great extent to which these practices were carried on in many ships, during the late war, were truly wonderful, and difficult to detect.² If *espionnage* is to be tolerated on any occasion, this is where it would have the most salutary effect. In some ships, I have observed that the first lieutenant had a few sober and confidential men to help him to unriddle the drunken mysteries of the lower deck, by which means he was enabled to detect, regulate, or punish the offenders.

It is interesting to know, that large potations do not exert a uniform influence over the same individual. This seems to be owing to the state of the atmosphere at the time; for instance, during the continuation of moist or foggy weather, a greater quantity of ardent spirits may be drunk without producing the same

¹ Medico-Chirurgical Journal.

² During the late war (when prize-money was plentiful), a private marine informed me, he was in the habit of saving thirty pounds per annum by selling his grog.

baneful effects on the brain or constitution, that would have taken place under a cold dry atmosphere.¹

This, I believe, is to be accounted for on the well-known chemical principle, "that all condensation produces heat, and all evaporation cold."² Hence, it will follow, that the greater capacity the air has for moisture, the greater will be the abstraction of heat from the body by it. On the contrary, when the air is nearly saturated with humidity, little heat will be evaporated; and, when fully saturated, none at all: the point of saturation being where the cooling process stops. And thus the sensation of cold is produced not altogether from the low temperature of the atmosphere, but partly from the difference there is between the air and the point at which condensation of vapour takes place; and, partly too, from the strength of the wind at the time.³

These observations are important, as, by the hygrometric state of the atmosphere, we are enabled to calculate, pretty accurately, the quantum of injury the men will be exposed to in washing decks, and to ascertain the fittest weather to be chosen for that purpose.

The best hygrometric measure is that recommended by Mr. Colebrooke. Two thermometers, with the scales detached from the bulb, are to be used. The bulb of the one is to be wetted with a rag, and, after a short time, the mercury will be observed to fall to that point at which condensation of vapor takes place. And the difference between this point, and the other thermometer, showing the temperature of the atmosphere, will give the exact degree of dryness in the air; or, in other words, its capacity for moisture.

¹ Sir Walter Scott has observed that, in the Hebrides, where moisture is frequent, less harm is sustained by drinking spirituous liquors than elsewhere.

² "Water, in being converted into vapor combines with more than five times the quantity of caloric that it required to bring ice-cold water to a boiling heat, and occupies a space 800 times greater than it does when in the form of water."

³ The natural heat of the human body is 98° of Fahrenheit's thermometer—any temperature applied to it lower than 98° gives a sensation of cold, but if the temperature applied is not below 62°, the sensation of cold will not continue long, but be soon changed to a sensation of heat; and in this climate, air, &c. applied to the living man, does not diminish the temperature of the body, unless the temperature of it be below 62°; if it is above that, it increases it.—Cullen's First Lines, vol. 1. p. 130.

Although this observation may be generally correct, yet there are circumstances where I most humbly beg to differ from this celebrated physician. An individual, living in a moist lower deck, for instance, at a time when the air has a great capacity for moisture, will experience the sensation of cold, though the thermometer may range several degrees above 62°: besides, the cooling process is much increased by diminished atmospheric pressure.

When (as already stated) the air has a great capacity for moisture, much injury will be sustained by those exposed to it, and *vice versa*.

Of Sick-Lists.

EVERY surgeon in the royal navy ought to keep two sick-lists (some now do); the first, containing those men's names who are totally incapable of performing any kind of duty, called the Sick-list; and, in the second, or Convalescing-list, those men's names are to be entered, who are in a state of progressive improvement from disease to full health; those also who have recently been under the influence of mercury, and those who have a disposition to pulmonary and hepatic affections (although they may be free from complaint at the time), are to be considered on this list, at least, during washing of decks.

All convalescing patients should only receive half allowance of grog, and this ought to be considered the *sine qua non* of that list, as it will have a beneficial tendency two ways; first, inasmuch as it will be sufficient for the patient's present state of health, and secondly, the high regard he generally has for it as a whole, will prevent him hanging on the surgeon's hands.

By following the above regulations, we should have a large convalescing-list, it is true; but then the sick-list would be proportionately kept down, as well as so frequent recurrence of acute disease.

OF

DRY ROT IN SHIPS.

Water restrain'd gives birth
To grass and plants, and thickens into earth.

PRIOR.

THE following observations on Dry Rot in Ships, will be considered, by many, as going out of my department; but, perhaps, I may be excused, when it is recollected, that a man-of-war in a rapid consumption, is not only a melancholy spectacle in itself, but is rendered doubly so, in associating this national loss with a conviction that a ship's crew cannot remain long in a healthy state, when the martial walls of their habitation are quickly mouldering into dust. Moreover, the study of the laws which regulate heat and cold, moisture and aridity (the chief agents of

destruction), are closely linked with the duties of a professional man, and the growth and dissolution of all organized bodies ought to be familiar to him. Besides, the means hereafter to be pointed out for the preservation of His Majesty's ships, will also have a salutary tendency on the health of our seamen, and, on that account, have a double claim to our attention.

Notwithstanding that apparently endless variety which we observe in the vegetable kingdom, it appears, on analysis, that Nature has employed only three simple substances, oxygen, hydrogen, and carbon, in the formation of all the gradations of vegetable productions, from the majestic oak, to the dunghill mushroom.¹

And, what is equally wonderful, the natural food of the fifty thousand plants already known, is as simple and uniform as their component parts : they all require atmospheric air and water only, with the addition of light and caloric to produce vegetation.²

Mr. Parkes observes, that all living vegetables have the power of decomposing water, and combining, in different proportions, the hydrogen of the water with the carbon of the soil, as well as that of the carbonic acid of the atmosphere, to form the numberless productions of vegetable nature.

It is delightful to trace the chain of connexion between life and death in vegetables, and contemplate on the important offices which water has to perform, during the growth and dissolution of the vegetable kingdom.

Death is the common consequence of all life, and, during that continual decomposition of one generation of plants after another, which takes place in every part of the terrestrial globe, a great quantity of carbonic acid is liberated in union with hydrogen, by which our atmosphere would soon have become contaminated, had not some means been provided for its renovation.

¹ Some plants are said to yield, also, small traces of nitrogen, silex, and lime, &c. but these substances have undoubtedly been taken up by the roots.

² When we attempt to follow Nature farther, and consider the endless variety there must be in the vessels and secreting organs of plants, in order to endow them with the power of producing that countless number of fruits, oils, resins, wax, sugar, &c. which we observe in Nature; and when we remember, that trees of every description, from the cedar to the shrub, and plants, from those of the most sensitive kind within the Tropics, to the most hardy evergreen in our own regions—and herbs, of every shade of color and quality, the most delicious, as well as those of the most poisonous nature, are all formed from the same simple substances (though combined in different proportions); we arrive at the *ne plus ultra* of human understanding, and are compelled to stop and wonder that such different products should be heated by one sun, fed by the same common nutriment, and grow in the same medium.

Living vegetables are the agents which have been employed by Nature for protecting us against the effluvia arising from dead ones, and clearing the atmosphere of the carbonic acid thrown off by animal respiration. For, by making what is noxious to animals, the natural food of vegetables, this most important office has been fulfilled.

Again, during the life of a vegetable, water is put under contribution for a large portion of its support, and after its death, water and heat hasten its dissolution, and set its elementary parts at liberty to enter into new combinations. And, in this manner, the elementary particles of all animated nature (whether in life or after death) are never suffered to be at rest; but perform their offices in the vegetable or animal to which they belong, only for a limited time, and after death, are again destined to occupy another place in the great circle of composition and decomposition.

But, *a propos*, it appears by observation, as well as by every information I have been able to procure, that the alternate changes from heat to moisture, and again from moisture to aridity, are the most favorable circumstances for hastening the destruction of timber.

The *modus operandi*, I think, may be explained in the following way. Caloric has the power of expanding nearly all bodies with which it unites, by insinuating itself among their particles; and, during its operation on timber, the pores of the wood become dilated, by which means, moisture or rain is more completely admitted into its texture; and, after rain, the atmosphere will generally be found to have the greatest capacity for moisture, consequently, the evaporation from the woody fibre will then be most abundant, and, by a continuation of such vicissitudes, the decay of wood is greatly accelerated.

In this country, there seem to be only two modes by which wood may be preserved from decay, for a very long period of time: the first, by expelling the natural sap and humidity from wood before it is used, and keeping it continually dry afterwards; and, the second, by totally excluding atmospheric air under a low range of temperature, and the intervention of some dense substance.

Thousands of examples of the first kind of preservation are to be met with in old houses, where fires have been constantly kept. In such houses, even those species of wood, which, under the usual changes from aridity to moisture, and again from moisture to heat, run most rapidly to decay, are preserved for a great length of time.

‡ Clay, water, cast iron, and some saline substances, excepted.

The second mode of preserving timber, by the total exclusion of atmospheric air, &c. is fully proved by the trunks of large fir-trees being found, in many places in Scotland, several feet deep in moss, in so high a state of preservation, that the wood is frequently split by the country people and used as a kind of rush-light.¹

In certain climates, there are still other means of preventing the elementary substances of animal and vegetable bodies taking their primitive forms, *viz.* through the medium of eternal frost, as is proved by large quadrupeds having been recently found incased in ice, in Siberia;² and, secondly, by excessive heat, providing there is little or no humidity in the air, as is sometimes the case in Africa.³ But, as neither of these means of preserving bodies can be reduced to any practical utility in this country, it is useless to follow them farther.

In Great Britain, the woods which resist the powers of the destructive agents longest, are those which are of the greatest specific gravity, and closest texture, as the oak, for example; while the most porous, and, consequently, that of the least gravity, falls the easiest prey to destruction.

These considerations naturally led me to inquire, what is the cause or causes of dry rot in ships, in order that we may be enabled to guard against it?

The answer to this most important question is involved in considerable difficulty, owing to the different circumstances under which it is said to have taken place, and from the great diversity of opinion there exists amongst men on the subject.

Its cause has been attempted to be traced to a vegetable substance, to moisture, insects, impure air, putrescent juices of timber, and to the vegetable juices of timber.

It would be departing from my original intention, to follow, in an Essay, the different individuals through their various opinions

¹ The remains of those fine trees afford us a miserable picture of the degenerated state of our climate, probably owing to the rapid growth and insidious advances of that vegetable substance, moss.

² "An elephant was recently found by M. Adams, near the mouth of the Lena (a river in Siberia), the flesh of which was still in so high preservation, that it was eaten by dogs." It is certain, nothing but the eternal frost in those regions could have arrested the putrefactive process in so large a quadruped, for so many centuries.

³ "We observed (says Captain Lyon, in his Travels in Africa) many skeletons of animals which had died on the desert, and occasionally the grave of some human being; all these bodies were so dried by the extreme heat of the sun, that putrefaction did not appear to have taken place after death. In recently expired animals I could not perceive the least offensive smell. Such was the dryness of the air, that the horse-tail, in beating off the flies, the blanket, and other clothing, emitted electric sparks, and crackled on being rubbed."

on this subject. But I am not inclined to impute the decay of timber to any one of those causes, abstractedly considered, but to an alternate action of certain destructive agents, to be hereafter—mentioned.

Owing to dry rot being accompanied by the vegetation of fungi, some individuals have been induced to consider this as its chief cause, but, I trust, I shall be able to show, that it is only a link in the chain of causes, or rather a consequence of a certain state of the ship's timbers.

Linnæus has placed the order of the vegetable substance which accompanies dry rot, under the 24th Class (Cryptogamia), and in the 4th Order of that Class : but Dr. Smith has added a 5th Order, in which he places fungi.¹

Those individuals, who assert that vegetation takes place, *sui generis*, from the juices of the timber, have been forced to this conclusion, from not being able to account for the universal diffusion of the seeds of fungi in any other way. But it is well known to naturalists and botanists, that the seeds of the mushroom may be disseminated by the wind, like the pollen, or *poussière séminale*, of many other plants ;² or they may be conveyed from the forest to the dock-yard, and again, from the yard on board a ship, by adhering to the timbers, provisions, stores, &c. and there remain in a quiescent state, until called into vegetable existence, by favorable circumstances, viz. the united influence of heat, atmospheric air, and humidity.

It has already been stated in this Essay, that the decomposition of vegetable and animal bodies is greatly retarded by any of the three following circumstances ; 1st, the total exclusion of atmospheric air ; 2dly, great aridity of the aerial fluid ; 3dly, the eternal cold of a deep flow-moss and that of the arctic circle—the most powerful antiseptics with which we are acquainted.

It appears, therefore, from the above data, that the abstraction

¹ This Order is determined by the plant “having no leaves, and the fructification is in a fleshy substance.”

The vegetable nature of this order of plants was long doubted by some naturalists, who were disposed to ascribe to them an animal origin ; but the labors of Dryander, Schaeffer, and Hedwig, have shown that they possess a vegetable character, by detecting their seeds, and explaining the parts of fructification.

In the Synopsis Methodica Fungorum of Persoon, the order of mushrooms is divided into such as produce their seeds internally, or in vessels, and such as have them exposed or imbedded in an appropriate membrane.—Miller's Guide to Botany, p. 181.

² *L'erigeron du Canada*, cultivé d'abord au Jardin des Plantes de Paris, s'est disséminé dans toute la France, à l'aide d'une aigrette soyeuse.—*Nouveaux Elémens de Botanique*.

of air, and even a partial abstraction of heat and humidity, will arrest the decay of all substances for a great length of time.

These conclusions seem to be sanctioned by all I have seen, and by every sensible observation I have read or heard, on the subject of dry rot in houses and in ships.

In houses, we continually observe, that the decay commences first, where the change from one to the other of these states is most frequent. The ends of joists inserted into damp walls; for instance, and the upper and lower timbers of a house, are most liable to decay: the latter, arising from the evaporation of moisture from the ground, and the former, by the breaking in of the elements from above.

The same laws are uniformly obeyed in the decay of ships: for, in their upper works, where moisture, heat, and evaporation, follow each other in excess, the timbers run sooner to destruction than in their holds: this is owing, 1st, to the almost constant application of water to the decks, by rain or washing; 2dly, to the higher range of temperature produced there by animal and solar heat; and, 3dly, to the greater subsequent evaporation. Whereas, in the hold of a ship, the exclusion of solar and animal heat, and the low temperature maintained there by the iron ballast and ambient salt water, usually, in a great measure, preserve her timbers from decay.

These observations are further corroborated, by the yet more rapid decay of ships in warm and tropical climates, where moisture is more abundant, and heat more powerful, than in the temperate zone.

Much controversy has taken place, of late, respecting the causes and difference between the dry and wet rot in ships. I believe it consists simply in this; the former is accompanied by vegetation, and the latter is not; or, in other words, air, heat, and humidity (besides their usual destructive qualities in dry rot), call the dormant seeds of fungi into life: while, in the wet rot, the same agents only hasten the decomposition of the woody fibre.

But these distinctions are little necessary, owing to the remedy for both being the same; for, admitting this spongy vegetation to possess the power of absorbing moisture, and maintaining a higher range of temperature than the surrounding dead matter, still, as we have no means of preventing the diffusion of the seeds, all we can do, is to endeavor to starve them, by expelling the sap, before the timber is put into a ship, and keeping her as free from moisture as possible afterwards; by which means the pollen will remain in a dormant state, and by the same measures, the wet rot, occasioned by air, heat, and humidity, will also be arrested. Indeed, our means of preserving a ship from decay, will be in exact

proportion to the powers we possess of freeing the timber of its natural sap and moisture, and keeping it dry afterwards.

Is it not a little remarkable, that some of the most able writers on dry rot should have fastened on causes which are hardly hypothetical; while those laws which are well established, and continue in perpetual activity, in the vegetable kingdom, should have been passed unnoticed by them?

Morrison "attributes the production of this vegetation (dry rot) to the mixture of salt and sulphur, mixed with oils from the dung of quadrupeds." While Mr. Bowden, at page 82 of his Treatise, says, "The cause of dry rot is heat acting on the vegetable juices; by which," says he, at page 87, "they (the juices) will rise from their dormant state into life and action, and the timber will be consequently destroyed."

Had these gentlemen not been sufficiently acquainted with the physiology of the seeds of plants to know that all vegetables perpetuate their species through the medium of seeds, suckers, slips, &c. they ought at least to have known, that when the great Author of nature separated the sea and earth from the chaotic mass, and called animals and vegetables into existence, he set certain limits to their sphere of action, by giving them the faculty only to multiply "after their kind." And although man has dominion over, and is invested with power to kill, and drive back ferocious animals to the desert, and root out certain noxious weeds from the garden; yet he has never been able to exterminate a single species of either from the face of the earth. Power, therefore, has never been given to the most exalted in the class of animated existence to produce the vilest insect; nor is the stately oak, the king and pride of the forest, (during life or after death,) capable of generating even a mushroom. But, under decay, this wood yields a suitable nourishment to that species of fungi, whose seeds had been previously disseminated by the wind, or otherwise.

I have here to mention, by the way, that although vegetables have not the power of locomotion, yet the diffusion of many of them is not less certain, by wings, spines, hooks, and scales; for instance, the downy appendages by which the dandelion wafts itself through the air is familiar to every one. Moreover, Nature seems less tenacious in the preservation of animal and vegetable life themselves, than she is in giving to the one a strong desire to propagate its species, and to the other the power of retaining life until that object is accomplished.¹

¹ Ray rapporte qu'à la suite d'un incendie arrivé à Londres, peu de temps après, les murs furent couverts de *sisymbrium irio*. Il ajoute que cette plante étoit rare et éloignée de cette ville. Les graines s'étoient sans doute

It has been urged by the advocates for spontaneous germination from the juices of the timber, that the dry rot is an internal disease, from the vegetating fungi always inclining towards the exterior. But I have never seen a specimen of fungus growing from the centre, where a fissure could not be detected sufficiently large for the previous admission of seeds and moisture.¹ Ignorance of the well-known circumstance of seeds, wherever they may be placed, growing always towards the air and light, on that side where they are most powerful, has induced them to believe that the dry rot is an internal disease. "A plant, in a shady place, inclines all its branches to that side where the action of the air and light is most powerful; and plants, confined in a hot-house, turn all their leaves and branches towards that side from which the light proceeds."

As nothing, therefore, can be more ridiculous than the supposed germination of fungi from the juices in the heart of oak, I shall only make another quotation from a very able author, pointing out the means by which fungi are propagated.²

Of the Prevention of the Dry and Wet Rot in Ships.

The success that we may expect to arrive at in arresting the decay of ships, will be in proportion to the power we possess in performing the three following operations, viz.

conservées dans le mortier, puisque la génération spontanée est une chimère, et que tout ce qui a vie, provient d'un œuf ou d'une graine.—*Nouveaux Elémens de Botanique.*

The living principles of seeds, eggs and vegetables also enable them to resist congelation: this is said to be owing to their peculiar attraction for caloric.

¹ "Ex nihilo, nihil; in nihilum nil posse reverti."

² Que cette poussière que l'on trouve entre les feuillets de ce champignon, lorsqu'il a acquis un certain développement, n'est autre chose que sa graine, qui, vue au microscope, ressemble assez à des graines de pavot. J'ajouterai que ces graines, semées avec profusion par-tout, sont en si grand nombre, que celles d'un seul individu de cette espèce suffiroient, à en juger par leur extrême finesse, pour couvrir de champignons des terrains immenses; mais que, malgré qu'il faille peu de circonstances réunies pour favoriser leur développement, il en faut encore auxquelles l'art a souvent moins de part que le hasard, et que c'est par cette raison que ces graines ne lèvent pas par-tout où elles sont semées. J'ajouterai encore que, semées naturellement sur de terrains convenables, elles produisent ce qu'on appelle *blanc de champignon*; c'est-à-dire, des petites plantes enracinées, que les maraîchers trouvent tout formés sur du fumier ou sur d'anciennes couches, et qu'ils sèment sur de nouvelles couches préparées pour cet effet; que ces mêmes couches, sans qu'on y eût mis du *blanc*, auroient pu produire à la longue des champignons de cette espèce, mais que le cultivateur fait en bien moins de temps, avec ces plantes enracinées, ce que la nature auroit fait avec les graines.—*Louis Chaude Richard, Professeur de Botanique à l'Ecole de Médecine de Paris.*

1st, Freeing the wood of its natural sap and moisture, before it is put into a ship; 2dly, keeping her perfectly dry during the time she is on the stocks; and, 3dly, protecting her, as much as possible, from the alternate action of impure air, heat, and humidity, after she is put in commission, or sent into ordinary.

Now, as the power we possess over the different states of the atmosphere is very limited, the *methodus medendi*, on that account, must be always defective; for we can set no limits to ever-varying and diffusible caloric, and have very little more influence over "thin air." But, fortunately, humidity is more tangible, and equally formidable with any of the other destructive agents; and, on that account, I have fastened upon it, as being the only means left of stopping the march of destructive action in timber; always keeping in mind, that it is the united action of these three which produces the premature decay of ships, and that the abstraction of either will arrest the vegetation of fungi, and the destruction of timber.

In order to fulfil the above injunctions, the trees of which His Majesty's ships are to be built, should always be felled in winter, (December and January,) for the following important reasons:—because, at this season, there is least sap in the wood, and hibernal felled timber is of greater specific gravity than that cut in summer, (when the ligneous vessels are filled with sap and air;) and, owing to this greater density, it is not only stronger, but its contracted pores are less pervious to present and subsequent moisture. Winter felled timber will also require shorter time to season than that cut in summer, from there being less sap in it to evaporate.

The following operations now practised in our great naval dock-yards, of building ships under cover, and housing them over in ordinary, after having been well caulked and painted, are very complete external means, and admit of little improvement. But the internal measures, with regard to drying and ventilating ships, (in my opinion,) are, in many respects, defective.

I have been informed, by many intelligent carpenters, that the pump in the well of a ship's hold does not dry her of water by nearly a foot, even when newly sucked. Now, however necessary this arrangement may be in sea-going ships, no excuse can be made for it in ordinary, where ships are always on an even keel, and in no danger of having their pumps choked.

By remedying this defect, and enjoining greater punctuality with regard to keeping ships clean pumped out, that evaporation would be prevented from the well, &c. which keeps the under surface of the decks in a half-dry state; and this condition I consider to be most destructive to a ship's timbers.

Of Ventilating Ships.

That great care and attention which used formerly to be paid to ventilation in the British Navy, has been rather on the decline of late years, amidst the exigencies of a long and arduous war ; for, so early as the year 1756, the Lords Commissioners of the Admiralty issued an order for the ventilators of the celebrated Dr. S. Hales to be used in the Royal Navy. This order was followed by the most happy results in our men of war, and its salutary effects were yet more eminently felt in transports and store-ships.¹

On active service, however, those ventilators were found to take up much room, and require more time than could well be spared to work them ; and for this reason they gradually gave way to the common windsail now in use. But, for the peace establishment, at any rate, and for ships in ordinary and guard ships, they are very superior to the windsail of the present day.

In ventilating a ship, we ought to have three objects in view :— 1st, supplying her with a current of pure air, for the purpose of animal respiration ; 2dly, air is wanted to dry the decks and timbers of a ship ; and, 3dly, we must draw upon the atmosphere for diminishing the temperature of the interior of a man of war, by which her timbers, provisions, and stores, will be longer preserved. Now, it is evident, from what has been stated, that the common windsails, in this variable climate, cannot be used with advantage more than one day out of three, and during the remainder of the time their operation will often be null, and sometimes even detrimental.

But, under all changes of weather, Dr. Hales' ventilators were useful in pumping out the vitiated air from the hold of a ship, while the atmospheric pressure supplied its place with that of a cold and pure quality ; by which means the atmosphere of the lower deck, &c. could be renovated at pleasure. It ought to be remarked here, that, owing to air becoming specifically lighter by being heated, it will continue to ascend from the interior of a ship, through the different apertures, while its place will be supplied by colder air from the exterior. This, to a certain extent, is true, and in continual operation ; yet, when we recollect the great quantity of carbonic acid gas which is thrown off by animal respiration during the night, and the proportion in which this ponderous air

¹ Dr. Hales says ; "The Earl of Halifax has often informed me of the benefit they found by the use of ventilators in Nova Scotia transport ships ; twelve to one more having been found to die in unventilated, than in ventilated ships."

enters into chemical combination with the atmosphere, we are compelled to admit (from its greater specific gravity) that the holds and store-rooms, &c. will become the receptacles of this pestiferous gas. But the evil does not end here ; for fixed air furnishes a natural and luxurious nourishment for fungi ; carbon being part of the food and the base of all the vegetable kingdom. Indeed, this is a process which Nature employs for the double purpose of nourishing plants and renovating our atmosphere.¹

The method I would recommend for ventilating ships is as follows. During the continuation of wind, and while there is considerable motion in a ship, the windsail now in use and Mr. Perkins' ventilator will answer the purpose most completely : but when neither wind nor motion is present, we must have recourse to manual strength and machinery to pump out the vitiated air ; and the atmospheric pressure will supply its place with that of a cold and pure quality.

The windsail and Mr. Perkins' ventilator will be best suited to sea-going ships ; while an engine for pumping out the foul air, (after the manner of ventilating the Session House at the Old Bailey,) will be better adapted for ships in ordinary and guard ships, where the rolling is inconsiderable.

Mr. Perkins' method of ventilating the hold of a ship will at once be understood, by referring to the plate—the Frontispiece.

A SECTION OF THE VENTILATOR.

a a, tanks, or water butts.

b b, hose for conducting the foul air *into* the tanks.

c c, hose for conducting the foul air *from* the tanks.

d, connecting water pipe.

e e, valves for admitting the foul air into the tanks.

f f, valves for allowing the foul air to escape.

The operation of this self-acting ventilator is as follows : Each tank or butt is half filled with water, which flows freely from one to the other through the pipe *d*. The quantity of water running alternately from each depends upon the motion of the ship. When one of the tanks is elevated by the ship's motion, the water will run through the pipe *d* into the depressed tank, and thereby discharge as much foul air through the valve *f* as the additional water displaces. The elevated tank at the same time is receiving

¹ I once saw the hold of a ship so filled with fixed air, that a candle would not burn in it ; and a dog, which was thrown in, instantly became convulsed. The hold of a ship may thus be rendered as hostile to the canine tribe as the famous "Grotto del Cane" in Italy.

the foul air through valve *e*, from the hold of the ship, to supply the vacuum that would otherwise be made by the escape of the water. If the tanks are fixed at right angles with the keel of the ship, the ventilator will operate only with the roll of it; but, if placed diagonally, both the pitch and roll of the vessel will discharge the foul air. It would be most economical to fill the tanks at the beginning of the voyage. The first water for the ship's use should be taken from the ventilating tanks, leaving, however, half of it behind for operation. If the remaining water should ever be wanted for the ship's use, it can be drawn off, and replaced by salt water. It will be seen that, by this mode of ventilating, nothing but the hose and valves are to be added to what must necessarily be on board every ship.

Any improvement in the arts generally becomes valuable in exact proportion to its strength and simplicity; for when an implement is complicated or easily deranged, it is only useful in the hands of the inventor and the scientific. Mr. Perkins' ventilator not only combines those properties in a most eminent degree, but, from its principle, works hardest when most wanted. In a gale of wind, when the hatchways are on, and when there is much straining and rolling in a ship, the noxious gases are then generated to the greatest extent; then, also, the operations of the ventilator become most powerful, both in admitting fresh, and expelling foul, air. If another ventilator be placed parallel with the keel of a ship, it would, on many occasions, be useful in forcing out the gases, when she is pitching deep at anchor. I will venture to say, if ships were built of well-seasoned timber, protected from the excess of washing decks, and ventilated after the principle here laid down, their decay would never be premature.

The application of heat, by means of stoves, to dry the holds and under-works of a ship, is as useless as kindling a fire in a parlor to dry the cellar. Besides, combustible heat is altogether a very doubtful remedy; for when a ship shall happen to have been built of wood containing part of its natural sap and moisture, heat, applied short of expelling them completely, will unquestionably do harm, by calling into vegetation the seeds of the fungi, which, under a lower range of temperature, would have remained in a quiescent state.

As the juices of the oak are known to abound with tannin and gallic acid, those individuals who imagine vegetation proceeds from the sap of the timber, have recommended it to be drenched in solutions of the alkalies and alkaline earths, in order to decompose them; and speak of the union of the acid with the alkali in the ligneous fibre with the same confidence as if it were in the mortar of an apothecary. For my ~~own~~ part, I would as soon believe soda

capable of absorbing the phosphoric acid from the human bones, on applying it to the skin, as expect it would neutralise the gallic acid in the heart of oak.

Farther, alkaline solutions, owing to their great affinity for water, would hasten that decay in timber which they are intended to prevent; moreover, men could not live in a ship so saturated.

All the benefit, therefore, to be derived from lime-water, solutions of glue, common salt, oil, &c. is to be obtained from common paint alone; so far as they are capable of closing the pores, and rendering the wood less pervious to heat and humidity, are they useful, and no farther.¹

Of the Growth and Properties of Moss in preserving Timber.

Moss is produced by an accumulation of dead vegetables, preserved in a partially decayed state, by a steady range of low temperature. Upwards of three hundred different species of Moss have been enumerated by naturalists; but as flow-moss only is capable of preserving timber from decay, I shall confine myself chiefly to that species.

Flow-mosses are to be found, in the greatest perfection, in flat situations, at considerable altitudes from the sea, and where water cannot easily make its escape. In Great Britain they thrive best when exposed to, and fed by, the moist winds of the western ocean. Hence it is that more extensive mosses are to be found on the west than on the eastern coast of Scotland; for, when these occidental winds, loaded with humidity, come in contact with the cold mountainous districts of the west, but more particularly with the flow-mosses there, condensation of moisture instantly takes place; and, owing to the prevalence of such winds, the most abundant supply of food is thus furnished to the different species of plants indigenous to moss. After the death of one race of flow-moss plants, the medium, (moss) in which they had vegetated, maintains so low a range of temperature, that their elementary parts are not suffered to be dissipated in the air, by

¹ Moisture has another destructive influence on timber, viz. that of causing it to throw off its coat of paint. If a piece of timber is painted, after having been previously saturated with water, on the arrival of the first frost, the paint will be observed to scale off. This is owing to water obeying different laws from most other substances, or occupying a greater space in the frozen, than it did in the aqueous, state.

repulsive caloric, after the usual manner, but are arrested on the site of their germination: and thus, in process of time, mosses have accumulated from five to fifty feet in thickness.¹

“Captain Duff, R. N. in a paper lately read before the Royal Society of London, after stating the well-known effects of peat moss in preserving wood for ages unaltered, suggests, that a series of experiments should be made to ascertain the effects of impregnating timber, both sound and already partially decayed by the dry rot, with the water from peat mosses, with a view to determine whether it possesses any power in preventing or suspending the insidious operation of that destructive agent.”

The experiments here recommended to be tried by Captain Duff have been most extensively tried by Nature, in all the different varieties of moss, and have uniformly failed, except in deep flow mosses. For, neither in hill-moss, bent-moss, nor even in the edges of flow-mosses, (where it is of little depth) is timber ever found in a preserved state. But in deep flows, I have frequently seen the remains of stately trunks of fir trees in so high a state of preservation that part of them is often split by the country people, and made into a kind of rope.

The antiseptic qualities of flow-moss, therefore, is solely to be attributed to its maintaining an uniformly low temperature, and to the exclusion of atmospheric air by the interposition of several feet of wet moss, to the bottom of which solar heat never pene-

¹ A flow-moss, situated in the middle of a country, of perhaps thirty feet thick, ten miles long, and three or four miles in breadth, (there are several larger than this in Scotland and Ireland) is like an immense ice-berg floating in the ocean; it maintains a low temperature itself, and diminishes that of all surrounding bodies. During the continuation of westerly and southerly winds, such a huge mass of cold matter generally acts as a condenser; hence, we observe mist precipitating on the “mountain’s brow,” and fogs descending into the bosom of flows in such weather.

Under ordinary circumstances, condensation and evaporation are nearly equal on a given surface; but moss is of a more greedy nature; it takes more than it gives, and, in a great measure, preserves that which it had taken.

The action of moss on Boreal wind, on the other hand, is of a more negative kind, from such wind containing less moisture, and being nearer the heat of the flow, it seldom yields up much of its humidity.

On other occasions, when the atmosphere has a great capacity for moisture, the most exuberant and pernicious exhalations are carried off from these immense arsenals of humidity, chilling and deteriorating the ambient air to a great extent around. Indeed, when we consider the great quantity of water carried off from the equatorial regions, (where evaporation is excessive) to be eternally fixed near the Poles by congelation, as well as the immense reservoirs of water, arrested in all our accumulating mosses, we are enabled, in some measure, by those increasing receptacles, to account for the receding of the ocean.

trates, and where a thermometer, when buried, oscillates only from 35° of Fahr. in winter; to a few degrees above 40° in summer.¹ In such mosses the bodies of certain human beings shot by the military in the reign of Charles II. in the struggle to establish episcopacy in Scotland, have lately been found in a state of high preservation.

Some individuals have attributed the preservation of fir-trees to a large quantity of resin and turpentine found in their composition; but these cannot be the antiseptic agents, otherwise, timber would be found equally fresh in all the different varieties of moss, which is never the case.

I have observed, in some wretched hovels in the Highlands of Scotland, where the smoke was suffered to find its way out of the house by different apertures, that the wood which supported the heath or thatch covering, had resisted the efforts of all-destroying Time, accompanied by heat and humidity, to an amazing degree. The timbers, in such houses, are covered with a black oleaginous substance, arising from the diffusion of the smoke of the wet peat fuel. Now, as an impure pyroligneous acid, and empyreumatic oil, may be obtained by destructive distillation from peat fuel, as well as from the beech and birch, there is no doubt it is through the agency of these substances the wood is preserved.

Smoking timber, therefore, deserves a trial, and bids fairer than any of the topical applications to preserve it to a good old age.

In these times of peace, when the growth of timber must be considerably more than its expenditure, it would be interesting to deposit a certain number of trees, annually, in some of our deep flow-mosses, for the double purpose of preserving them, and of ascertaining if wood, so saturated, possessed more durability than other timber afterwards.

On the principles laid down in this Essay, the driest and coldest haven ought to be selected for laying ships up in ordinary, in preference to a warm and moist one. Plymouth harbour, on account of the heat and humidity of the atmosphere, is undoubtedly the worst suited for this purpose of any in England.

To recapitulate—I feel convinced that I have made good the

¹ In chemical language, the cohesive attraction of all organised substances must first be overcome by caloric or insensible repulsion, before their constituent parts are suffered to enter into chemical affinities, or form new combinations. Now, owing to the great cold at the bottom of flow-mosses, the cohesive attraction of an animal or vegetable substance is never overcome there by heat; consequently, no putrefaction nor decomposition can rapidly follow.

burden of my charges against the abuse of water in so frequently washing decks. Its deleterious effects on the lower deck, in exciting inflammatory disease, in robbing the body of its heat, and saturating the decks, men's clothes and bedding, with moisture, no one can attempt to deny.

The cold and moisture to which seamen are exposed on the main and quarter decks, (early in the morning, even in the winter months) immediately after sleeping on a warm and crowded lower deck, must be equally evident to every unprejudiced mind; and the injury done to them, and His Majesty's ships, by the aggregate of moisture and impure air, arising from a great accumulation of filth and bilge water in a ship's hold, and the coiling down of wet hempen cables in the tier, cannot be calculated, because windsails and stoves afford little or no relief from such nuisances. Besides, it has been well authenticated, that if two ships shall happen to be cruising together on salt provisions, the one making the most abundant use of water in washing decks will invariably have the greatest number of scorbutic patients on the sick-list.

The remedy pointed out against humidity on the lower deck is complete, and a more salutary time for washing the main and quarter decks will be seen in that chapter.

The measures recommended to prevent drunkenness will, I hope, be found useful, and the method of ascertaining the air's capacity for moisture, and the consequent injury sustained by individuals exposed to washing decks at the time, will be valuable in a practical point of view.

I think I have, also, satisfactorily proved, that the decay of timber is never premature unless exposed to the alternate action of impure air, a high temperature, and humidity; and, that the only power we possess in retarding it, is by endeavoring to abstract one of its destructive agents: and water and the juices of timber being the most tangible, I have recommended that the timbers should be well seasoned before they are put into a ship, and that the decks be protected from the excess of washing, and well ventilated afterwards; by which means, the men's health will be much benefited, and the decay of wood greatly retarded. Moreover, from the windsails now in use being incapable, on many occasions, of dislodging the ponderous gases, generated in the lower department of a ship, I have recommended that they should be pumped out by certain ventilators.

To the few officers in the royal navy who keep the hold clean, dry holy stone the lower deck, and select a mild period for washing the main and quarter decks, the foregoing observations cannot apply: and, by the many equally zealous officers, who come within

their limits, I hope they will not be taken amiss: "my object is not to give offence, but to convince;—not to attack in person, but in principle;—not to interfere with motives, but point out the abuse of them."

The above conclusions on the baneful effects of humidity on our seamen, have been the result of ten years' observation in actual service, during which period I had almost daily reason to lament the abuse of washing decks, and with this strong conviction on my mind, I was induced to throw my observations together in manuscript, and show them to some of the most eminent physicians of this great metropolis, who so completely accorded with me in sentiment, that I have been encouraged to lay them before the public.

SOME

CONSIDERATIONS

ON

THE POLICY

OF THE

GOVERNMENT OF INDIA,

MORE ESPECIALLY WITH REFERENCE TO

THE INVASION OF BURMAH.



Non tamen sine usu fuerit introspicere illa primo aspectu levia, ex
quib magnarum sæpe rerum motus oriuntur.—*Tac. Annal.*

BY LIEUTENANT-COLONEL M. STEWART.

LONDON :—1825.

CONSIDERATIONS,

&c.

To the many unavoidable evils which attend a country subjected by conquest to the administration of another, lying at a remote distance, a prodigious aggravation arises from the little interest the conquerors are apt to take in its concerns. In the history of our connexion with India, few circumstances have occurred which serve more strongly to illustrate this fact, than the indifference which the public have manifested to the war which has lately arisen in that part of the world. Its importance is not to be estimated by its success or failure as a military operation, but by its merits as a measure of policy, capable of producing lasting and extensive results, in whatever way hostilities may terminate, if effectual steps are not taken to prevent the prosecution of such views.

In order to make the real nature of this war more apparent, it will be desirable to take a short retrospect of the connexion between events from the commencement of our government, and of the apparent views which have been entertained for the permanent and peaceable establishment of our empire, till it has reached a point when that object is in a great measure secured. The connexion between this historical review and the merits of the more immediate question, may not be at first very apparent, but it is essentially necessary, both to illustrate the new and peculiar character of the present operations, and the state and interests of India generally.

When the intercourse between Europe and India began, a powerful and flourishing government existed in the country—a Court, unrivalled in magnificence and wealth—viceroys, or rather feudatory sovereigns, governing great principalities—powerful individuals, administering the great offices of state, superior and subordinate—great military chiefs, with hosts of retainers—and, in short, a large body of gentry, sharing among them all the immense resources of the territory, and the dignities of the Mogul empire.

The habits of all this class were decidedly military. The government was founded on conquest. It was a common saying, that the empire belonged to the longest sword; and such were the principles of its constitution, that by no other sceptre but the sword could it be ruled.

The effect of such a state of things was to beget in the nobles, among all the servile forms of a despotism, a spirit of the most haughty independence, repressed only by the superior force which compelled their obedience. The empire, with all its honors and emoluments, was considered a sort of common inheritance, to which their several pretensions were to be settled by war; and the consequence was, that there was rarely, if ever, a moment at which the government was not engaged in hostilities with some refractory principality, or the country torn by the dissensions of individuals too powerful for controul; and at times, whole provinces were dismembered, and erected, by successful rebellion, into separate kingdoms.

Men, excited by contests for prizes so splendid, could not fail to acquire those qualities by which, in such a state of society, they were to be obtained. Courage and cunning, a daring and unprincipled ambition, a restless disposition to tempt fortune, unlimited hopes, and the most total disregard of the means by which they were pursued,—by such animating principles among those by whom movement was to be given to society, there were reared up all the instruments necessary to render their operation effectual—hardy and daring retainers, whose only virtue was fidelity to their chief, and whole classes of men, endowed with the most consummate address in all the arts of corruption and of low intrigue. The literature of the country (if such might be said to have existed) formed by the prevailing tastes, was exactly such as was calculated to keep alive this state of things:—memoirs of successful rebellions, and exaggerated accounts of the magnificence of war—enthusiastic descriptions of personal prowess, and in all their maxims, the most liberal allowance for every measure recommended by considerations of policy: these, with songs and ballads, and fictions like the Arabian nights (held in such a state of society, sufficiently possible to stimulate the imagination to extravagant attempts)—the stern and fanciful doctrines of the Korân, and the wild legends of the Hindoos, constituted nearly all that could form or reflect the character of the people.

Viewing our first hostilities in India with the advantage of distance, and in relation to all that has since occurred, it is perfectly manifest, that the moment we drew the sword among such a condition of mankind, to maintain by force a mercantile intercourse, there could be but one termination to the struggle—the complete

and avowed superiority of the one power or the other ; either that we should be expelled from the country, and received again, if received at all, on such terms as the Government should choose to prescribe, or that we should clearly and confessedly become the paramount authority in India.

There is some ground to think that the great Lord Clive, even at that early period, was not blind to this view of the subject, and that when he called his council of war before the battle of Plassy, he was much less influenced by any hesitation as to the almost certain victory¹ that awaited him, than by an unwillingness fairly to measure the strength of the Company with that of the native Government. His views certainly, afterwards, were strenuously and consistently directed to prevent the necessity of further usurpation on the native authority ; but a variety of circumstances concurred to precipitate the uncontrollable process, to which he had contributed so materially to give a beginning.

The power, constituted for the regulation of the Company's mercantile transactions, and the subordination of their servants, necessarily proved totally inadequate to enforce obedience to acts that were now to assume the character of measures of Government. The individuals who thus suddenly found themselves in a condition to dictate terms to the native authority, were merchants trading largely on their own account, and consulting the gain of their employers in England. Their views, their interests, were those of merchants, and their object naturally was, to make the most of the existing condition of things. The motive was common to all ; the power to repress feeble, and, with the responsibility, uncertain and divided. Their wishes were powerfully seconded by the avidity and want of principle of native agents ; and the whole establishment, every thing that could claim affinity with the triumphant power of the Company, rushed with the eagerness of bloodhounds to the plunder of the devoted and defenceless country. It was not without repeated struggles that the native authority relinquished the defence of its own rights and those of the people ; but every struggle terminated in a revolution, accompanied by additional concessions, till the power of the Nuwab was so completely enfeebled, that it became altogether inadequate to carry on the functions of Government. After the power of the Company had been once evinced, to place the Government in hands of their own choosing, nothing but the continued residence of such a man as Clive in the country, with power sufficient to subject the interests of his inferiors to those

¹ He had insured the defection of a large part of the enemy's force during the action.

views of moderation which his own policy would have dictated, could have retarded the occurrence of such an event. As it was, the administration of Government fluctuating continually, was consistent in nothing but the insatiable appetite for wealth, which the succession of adventurers kept alive, and which was continually glutted, only to be renewed. No remedy now remained, but to substitute in the Government the power by which the native authority had been supplanted, and the Company thus became the rulers of one of the richest provinces in the East.

From the time that this change in their situation was effected, their Government has been gradually improving, rather from the unavoidable interest in doing that well, which people are obliged to do themselves; that sort of adaptation which time and experience produce among the parts of a system, and from the liberality of views and good judgment of its servants in the several departments of its affairs, than from any principle of amelioration embodied in its constitution. During these occurrences, the Mogul Government had been in one of those states of depression, to which all despotisms are subject, when enfeebled by calamity: they became the prey of dissension among their own constituent parts. The English were thus allowed to contend single-handed with the local authority of Bengal, and an opportunity afforded to the rise of a power that was to extinguish the empire for ever.

The same principles which had hitherto embroiled the settlement of Calcutta with the Soubahs of Moorshedabad, were now to operate on a more extensive scale, and to produce a state of things between the English Government of Bengal and the native states, very similar to that which had been exhibited in a narrower sphere. The extraneous authority established in the country, connecting itself with the unknown and incalculable power from abroad, by which it was supported, early attracted the jealousy of those states which arose along with it out of the ruins of the Mogul Empire, and rendered us the centre on which the whole policy of the Peninsula hinged. The views of no party seem to have been for a time, however, methodised into any system,—but a variety of petty expedients manifested sufficiently the vague, though prevailing idea, that was uppermost in the public councils. The first person after Lord Clive, who formed any large or comprehensive notion of our situation, was Mr. Hastings. At first his object seems to have been to play off one native state against another, availing himself of their jealousies and blind individual ambition, and endeavoring to maintain such an equipoise as would leave the arbitration of affairs always in his hands; but his sagacious mind had ultimately seen that a permanent and positive *power* of regulation could alone lead to that state of security and tranquillity which the precarious

influence which all his great ability was scarce able to maintain, could never secure or perpetuate ; and to his comparatively early perception of this truth is perhaps to be ascribed some of the measures of his government which, taken apart without reference to the end which they were to produce, or the evils that end was to remedy, seem to savour of wanton violence and injustice.

The sound good sense, moderation, and manly firmness of character of Lord Cornwallis were admirably calculated for the consolidation of our power, and to have arrested the progress of aggrandisement, had it been possible to arrest it. He succeeded to the government at a time so far removed from the causes which gave the first impulse to our policy, and so far distant from the point to which it was verging, as to render the symptoms of the current, by which we were carried along, less sensible than at almost any other period of our history. The cast of his mind, besides, disqualified him for the detection of those latent and general principles by which the course of events were swayed ; but his perception of the immediate bearings of his situation was perspicuous and distinct. The great genius of Mr. Hastings had, in some measure, disentangled the web of Indian politics, and reduced our foreign relations to so definite a form, that they almost seemed susceptible of stability on a principle like the balance of power, and to some such condition of things the aim of Lord Cornwallis's government certainly tended. But such a state of repose as a balance of power is capable of affording as a principle of international policy, evidently implies its general recognition as a motive of common action, and a certain degree of enlightened address in adapting the measures of states to the conditions it implies ; both of which were most miserably wanting among the rulers with whom he had to deal. In the constitution of government which he was sent out to administer, the legislature of this country had imposed all the restraints that could be applied to our entering into further hostilities ; but, in spite of this, and with all the prudence of which he was master, he was forced into war ; and his administration terminated, like that of his predecessors, in a further reduction of the native States, and a large accession of territory.

The Government of his successor seemed almost expressly intended to exemplify the impossibility of abandoning the power of control which we had been compelled to assume and to assert whenever disputed, without incurring the most imminent risk of our existence as a state. The boundless resources of the soil recruited, with astonishing rapidity, the losses of former wars ; the power of the country was fast concentrating, by different processes of aggregation, in larger masses and in fewer hands. The jealousy

which our increasing power had inspired, had become universal. A foreign European influence had insinuated itself into the councils and armies of several of the native States, and inspired them with the vigor of European intellect, and the skill of European tactics; and even our means of dividing our enemies was diminished by the manner in which an adherence to the principle of non-interference had induced us to sacrifice the Nizam. Fortunately, an individual succeeded to the government capable of meeting and surmounting the crisis. The power of the Sultan of Mysore, the power of Scindeah, and the power of the French lurking under cover of both, and of the Nizam, arrayed at the moment against us, might have rendered it doubtful, under feebler councils, whether a French, or a Mahomedan, or a Hindoo power, was to rise on the ruins of the English influence. By his bold and decided measures, he recovered our ascendancy at the Courts of Hydrabad and Poonah,—crushed at the outset the French force in the service of the former,—overthrew the Government of the house of Hyder,—discomfited the armies of Scindeah, of Holkar, and the Rajah of Berar, and broke effectually the power of the Mahrattas, and, finally, secured the expulsion of all foreign European adventurers from the native Courts, and established subsidiary relations, and a power of arbitrating differences, very generally among the larger principalities. No individual before him had manifested so distinctly a just understanding of the real nature of our situation, or had advanced towards the object to be obtained with such rapid and successful strides. When about to reap the further fruits of his victories, and to consolidate and mature the system he had extended so far, he was arrested in his career, by the apprehensions of those who could see nothing in his measures but an idle or unprincipled ambition, and a fruitless expenditure of the Company's treasure. By the change of councils which supervened, the strong boundary which he had provided on the left bank of the Jumna was abandoned, some of the minor arrangements of the system he had so far advanced altered and dislocated, and the invaluable opportunity thrown away of pursuing by negotiation, under the influence of our recent successes, the more extensive developement of the only basis on which any permanent repose could be secured to the Peninsula.

Lord Cornwallis returned to the country in the feebleness of his age, with impressions of the scene on which he had acted himself, much stronger than those which a short residence could produce, of that by which he was surrounded, with the caution of advanced life, added to his natural prudence; and, still looking more to policy than power as a principle of pacification, he had nearly produced a revulsion in the system, by relinquishing the strong ground his predecessor had assumed, and attempting to disarm the well-

founded apprehensions of the native States by vain assurances of our moderation.

The government which Sir George Barlow held *ad interim*, and that of Lord Minto, interfered but little with the internal state of the country. The reduction of the foreign European settlements gave occupation to the Company's armies, during the administration of the latter; and a considerable time of repose was thus afforded to the action of those causes which had operated so often, and which the English power was not yet sufficiently systematized to prevent from fermenting into violence.

They assumed, indeed, a less obvious and ostensible, but not on that account a less dangerous form, than heretofore. It had been very clearly foreseen by Lord Lake, during the discussions which arose after Lord Wellesley's departure, about the countries to the south-westward of Delhi, that if the minor states were left so unprotected as to render them a prey to the bands of adventurers, of whom the native armies had been composed, "the habits of this tribe of men would be perpetuated, and hordes of plunderers would be formed, ready to join the first bold adventurer who offered to lead them into the neighboring and fertile provinces of the Company." The prediction was most exactly fulfilled; an immense predatory force of cavalry grew up on the banks of the Nerbuddah, and carried their incursions in all directions for many hundred miles, producing a state of universal insecurity, and precluding the possibility of all improvement. It served as a focus to the desperate characters of the whole Peninsula;—its numbers were limited but by the extent to which they could be maintained, —it counted among its chiefs some natives of uncommon abilities; and it possessed a sort of equivocal connexion with the governments of the surrounding states, which would inevitably combine them in the cause the moment an opportunity occurred of acting against us with advantage.

The British Government now experienced, as the Factory of Calcutta had done towards the close of their struggle with the Soubahs of Bengal, the evils of a nominal independence in states which we had been compelled to enfeeble beyond the power of maintaining the rights, or performing the duties of independence. To purchase an exemption for their own territories from pillage, the neighboring states of Holkar and Scindeah had, perhaps not unwillingly, lent the countenance of their governments, (which they certainly could not have safely withheld,) to different bodies of these freebooters, by nominally receiving them into their service; and when pressed for redress for enormities committed on the territories of others, on the score of their responsibility for the

acts of their subjects, they urged the undeniable plea of their inability to restrain them.

On the north-eastern frontier a power had been for half a century imperceptibly growing up—important from the warlike character of the people, a space of 800 miles on which they bordered on the Company's territory, and the rapidity with which they were extending that line by their lateral conquests—the blind confidence inspired by a period of uninterrupted success in their previous wars, led them to invade the British provinces; and the large tract of open country, along which they were exposed to their incursions, rendered general hostilities unavoidable. Had the plan of operations directed by the Marquis of Hastings been carried into effect with half the ability with which it was projected, this war would have been terminated with a rapidity which would have rendered it wholly inoperative on the general aspect of affairs. The languid character, however, which it assumed for a time, the great difficulties of a mountainous warfare, and some reverses which portions of the army sustained, contributed materially to countenance the schemes which were in agitation among the native principalities, and to give a more threatening appearance to the political horizon. The intuitive rapidity with which he seized the true interests of the country, the comprehensive system in which, from the first, he proposed to embrace the relations of the Peninsula; the masterly military skill with which he circumscribed and crushed within his grasp the fugitive force with which he had to contend, while he dissipated all the combinations by which it was supported; his complete assertion of the British supremacy without the violation of public faith; and the great progress which he made towards maturing all the reciprocal interests and obligations of the different states into consistency, must place his government among the most splendid and useful administrations by which the affairs of India have ever been directed.

The sword had now done its business, and time and a steady adherence to the principles which Lord Hastings had established, alone were required to secure and continue the tranquillity of India. From the Delta of the Indus to Sirhind, the frontier is covered by a desert impassable for an army; from the mountains of Caubul to the great angle of the Burhampooter, the vast ridge of the Him-maleh extends; and from the angle of the Burhampooter a strong and difficult country of wood-land and of hills stretches to the sea, having interposed between it and the interior of our provinces the great branch both of that river and the Ganges, and all the various channels by which their waters are discharged. In all this immense frontier, extending from the Erythrean sea to the Bay of Bengal,

there are but two possible avenues, and both of them eminently difficult, through which an invading army can penetrate: the one through the territory of Cutch, at the mouth of the Indus; the other, through the defiles of Caubul; and such are the comparative facilities of the latter, that, from Alexander the Great, downwards, it has been the route by which every conqueror has entered the country; and to all the territories lying within this limit and the waters of the ocean the English power gave law.

Here, then, was a line at which every consideration which had hitherto required our interference in the affairs of foreign states required that we should stop; from beyond it no serious danger could be apprehended, and within it our authority was supreme. Had it not been for this natural boundary, there can be no doubt that the same causes of mutual apprehension would have extended with the sphere of our contiguity to other countries, and that we should have been involved in an interminable and hopeless scene of violence and contention. "From the day," says Sir John Malcolm, "on which the Company's troops marched one mile from their factories, the increase of their territories and their armies became a principle of self-preservation." The principle had gone its length and produced its consequence; it is our own fault if we take a fresh departure, and, marching again beyond the limits of India, spread the flame to the rest of Asia.

It appears, therefore, from our own past experience in India, that from the moment we assumed the character of aggressors, every effort was found ineffectual to reconcile, in the first instance, the independent existence of the Company's factory with the independence of the Soubahs of Bengal; and, in the second, that the principle, so far from being weakened by the extent of our dominion, gained strength with the accession of territory; and that, after we superseded the authority of the Nuwab of Moorshe-dabad, and became the governing power of the principality, neither the genius of Mr. Hastings, nor the firmness and discretion of Lord Cornwallis, nor the forbearance of Lord Teignmouth, could establish any durable relations of peace or security, either by intrigues or terror, or approximations to a balance of power, or a steady adherence to a principle of non-interference, and that nothing but the views of those who looked to the limits of India alone as the boundaries of our influence, actual or indirect, afforded any prospect of permanent repose.

In order more fully to appreciate the policy of the present war, it will be desirable to consider the importance of the moment to the other interests of the country, and the probability of the duration of that tranquillity, on the due improvement of which, not

only its continuance, but the progress of the country and our very existence may depend. The situation which we have attained may be considered as having put a period to the ostensible efforts of the other principalities for the reduction of our power, nor can any reasonable apprehensions of further grounds of war within the Peninsula be entertained, unless the Sikhs indeed, should so far miscalculate their own power as to provoke hostilities: but it would be absurd to suppose that we stand on ground that is destitute of danger; we have put an end, it is true, to the form which the danger has hitherto assumed, but we have only to consider what our situation is to be able to judge of its perils; that of five-and-twenty thousand individuals, at the distance of four months' sail from their native country, among eighty millions of people. Although a considerable change has been produced on the population by the operation of our Government and the series of events which have been described, yet no alteration has taken place that could at all diminish the risks inseparable from such a condition of things; no progress has been made in connecting the government with the people, by any of those ties by which their fortunes might be identified;—the inhabitants are utterly and entirely excluded from all share in the management of their own affairs;—they have no participation in the emoluments or honors which the country affords;—without the smallest means of influencing the church establishment, either Mahommedan or Hindoo;—professing a different religion;—practising peculiar and obnoxious customs;—speaking a separate and unknown tongue, and destitute of all individual influence;—arriving in the country but to profit by its wealth, and migrating from province to province, during our stay, to go through the mechanical discharge of the duties of office—what is there in our situation that can be supposed to afford the smallest security against the many causes which exist to occasion discontent? By the security which our protection has afforded, and, above all, by the effects of the permanent settlement in Bengal, and the more durable leasehold tenures elsewhere, the cultivation has extended, and probably the population has increased. But every thing that was exalted above the vulgar by descent, by wealth, by actual station, or the respect attached to the memory of former services, have been sinking, by a slow and silent process of misery, to one uniform and undeviating level of poverty and insignificance.

The large body of gentry which existed, as has been stated, under the Mogul Empire, were exclusively supported by the revenues of the state. According to the constitution of the empire, the sovereign was the sole proprietor of the soil; and we assumed the same principle as the basis of the government which we intro-

duced, but the principle in the two cases amounted to two things widely different from each other. In the one case, it amounted to the right of levying the whole rent of the country, and of distributing it among the people, at the discretion or caprice of the individual on the throne. In the other, it amounts to the right of levying the rent, and of carrying whatever we can save out of it away. Such of the families as had saved jewels or treasure from the days of their prosperity, continued to struggle on, with some appearance of their former respectability, for a second generation; but, in our provinces at least, this whole body of men may be considered as nearly extinct. Nor does the evil end here; every country, as is well known, is "its own best customer;"¹ and the large sums in which the revenues were disbursed to individuals contributed, in some measure, to supply the operation of those principles by which capital, in a more natural condition of mankind, is distributed and accumulated, and enabled the body of nobility to act as a powerful stimulus to the industry of the country. The wants of the European gentlemen are not their wants, nor those to which the people are accustomed to minister; many of them are supplied directly from the mother country, and, by the remittance of all their savings, there is a steady and constant exportation, from the immediate source from which all capital is derived and supplied. How, indeed, can a country prosper, when the wealth which is drawn from the soil; and which should descend again, like the rains of heaven, to fertilise and to adorn it, is regularly transmitted to another land?

The artificial division of labor established by the institution of castes, and the limitation of the wants of the people, by preventing the transfer of industry from one object to another, and extinguishing the most powerful excitements to exertion, have contributed still further to reduce the population to a sort of moral *caput mortuum*, and to render the loss of those motives, by which activity was communicated to society, more sensibly and universally felt. In lieu of all those splendid objects which were open to the ambition of the people, and of all those sources of wealth which at once roused the cupidity of the aspiring, and diffused plenty among the humble, which filled the country with princes and with nobles, and beautified its surface with palaces and gardens, with reservoirs, and with stately monuments of the dead, we have given them tranquillity; but it is the tranquillity of stagnation, agitated by no living spring, unruffled by any salutary breeze. It is a perilous, it is an impossible attempt, to repress, by any forced condition of things, the operation of all the active principles of human nature

¹ Wealth of Nations.

among a population of eighty millions of men. These principles cannot be extinguished in the human constitution, nor rooted out of the bosoms of mankind, and, if deprived of those useful and natural objects, on which it was intended they should exert themselves, they will find, in time, occupation for themselves, at whatever expense it is to be obtained. It is a great mistake to suppose that the privation of positive evil, could it be afforded, is sufficient to tranquillise a people. Seasons of suffering call forth only the passive qualities of human nature in a country in a state of depression. The famines which desolated Bengal, though arising directly from the oppression of the Government and its agents, unjust and unequal taxes, have roused the people to no acts of rebellion.¹ It is the craving appetite of the active principles of human nature themselves for occupation, that is the main-spring of exertion. It is the need of strong excitements to the daring and enterprising, to whom repose is suffering, that is the source of commotion which we have to fear; and, in such a condition of society as exists in India, how likely are such characters to be formed! Where the infinite obstruction to the demand for labor, and the facility of procuring the necessaries of life, leaves people of every description a great portion of their time at their own disposal, what are the materials which furnish food to their imaginations? It is the romantic exploits and successful ability of such men as Savagee and Aliverdi Khan;—it is the splendor of the reign of Aurengzebe;—it is the munificence of their former nobles;—it is anecdotes of

¹ A remarkable proof of this passive resistance occurred at Benares, at the time when Government attempted to introduce a house tax, I think in the year 1809 or 1810. This tax is recommended by Mr. Smith, as one of the best and most equal that can be imposed, as it evidently is, in a state of society that is advancing in wealth, or even stationary; but the very causes which recommend it in such cases render it particularly oppressive among a population where the wealth of the upper classes is declining. The house which a man has inherited from wealthy ancestors, and which only serves to shelter and conceal from the eye of the world the poverty and insignificance to which he has sunk, is a cruel criterion, by which to estimate his power of bearing taxation! The whole population of the town, as soon as its operation began, peaceably abandoned their houses, and, like the Romans, in their secession to the Mons Sacer, took up their abode in the open country. They organised a regular police, of which the Thieves* were the police officers, and no disorders of any kind were committed; but all the business of life in this great city was for a fortnight at a complete stand. By the ability and prudence of one man, they were all brought quietly back to their habitations, without the loss of a single life; and Government had the wisdom and moderation to abandon the tax.

* The Thieves, in India, like every other possible occupation, are a sort of caste by themselves.

prowest and of profuse generosity,—and histories of the almost constant revolutions to which the country has been subject. On the other hand, the idea of allegiance or fidelity to a particular family, or to a particular government, are unknown; the people are ready to acknowledge the right of any individual who is able to maintain it, and, accustomed in the past periods of their history to see men rise from the lowest classes of society to empire, they naturally consider the title of any enterprising leader to power as preferable to our's.

If we look at those causes which have hitherto averted dangers of this description, we shall find them to consist almost entirely of such as must cease to operate, or whose operation must greatly diminish. The outlet, which war and combination among the different principalities has hitherto afforded, is at an end; the memory of our successes will fade, and the vast disparity of our numbers, and our absolute and total dependance on the native army in our service, are facts which cannot continue to be presented to the observation of the most ignorant people without, in time, producing their effect. *Nihil rerum mortalium tam instabile ac fluxum est, quam fama potentiae non sua vi nixæ.*—TAC. Ann.

It cannot, therefore, be considered that all that has been done has placed us in a state of security. It has, indeed, put a period to the form in which danger has hitherto appeared, and Lord Hastings' administration had secured for us a precious period of repose, which, if rightly improved, might have prevented that which it is likely to assume. If we look to those considerations of commercial intercourse, in which our connexion with the country began, they point precisely to the same conclusion which these observations are intended to suggest. We took up arms, in the first instance, to secure a free inlet for our trade. The whole of India is now open to us in every direction; we are absolute masters of the greater part of it, and our influence is undisputed over the rest; so that, if our commerce has declined, the source of that decline must be sought for in other causes than those which further conquest will remove. The decay of our trade is, in a great measure, to be ascribed to the derangement already hinted at, which our system has produced in the distribution of capital, and the prodigious drain on the sources from which it is supplied. But how small a commerce has India ever maintained, compared to that which it is capable of supporting! and what, let me ask, is the policy which an enlightened regard to our own interest and the welfare of India would recommend? Would it not be to consolidate our power over the vast territory we have already acquired; to connect ourselves with the inhabitants by durable and natural ties; to restore, by slow degrees, (for suddenly it cannot

be done) a healthful action between the great principles of national prosperity, the accumulation of capital, the demand for labor, and the productive powers of industry? Would it not be to disarm the habitual jealousy of eastern states in the countries by which we are surrounded; not by vain professions of moderation, belied by the whole tenor of our conduct; but by exhibiting, practically, steadily, and invariably, that we wish to meddle no further in their domestic concerns, and to found on the confidence which the experience of our sincerity must beget, that extensive command over the commerce of the East which our situation enables us so easily to obtain.

It is at this juncture, and in this state of India, that we have undertaken the invasion of Burmah. Of the nature of that step we shall best be able to judge, by considering it in two points of view, as a measure of policy, and as a military operation. It is not at all intended to dispute the necessity which may have existed of resorting to hostilities, or the paramount duty imposed on our Government of affording effectual protection, from foreign violence, to the people whose public revenue we have appropriated, and whose arms we have taken out of their hands. But the object is to show, that we are now arrived at a point when that view alone ought most religiously to limit all our wars; and that a departure from this principle will carry along with it its own punishment.

As a measure of policy, the merits of this war may be estimated by the advantages to be gained by success, compared with the consequences to be apprehended from failure, and the probabilities of the one or the other of these results; but, failing or succeeding, an objection lies to it, *in limine*, as a departure from the only safe principle on which our foreign policy can rest. If we pass, in the progress of aggrandisement and aggression, that impregnable boundary within which we are secure, where are we to end? unless, like the Medes and the Persians, we are to extend our ambition to the conquest of Asia. The difficulties of the frontier, by which the countries are divided, may be sufficiently understood from the fact of our transporting our troops to the scene of action by sea, and supporting the war by a sea communication; but had the frontier been open, it would have been better to have fortified the whole line, from the Garrows to the sea, than to have carried an army into the enemies' country, with a view of reducing it to subjection. Nature, however, had rendered any such measure unnecessary; the country is, in general, covered with thick and impenetrable jungle. From the elbow of the Burhampooter, downwards, the hills, though less lofty, continue to the coast, to the southward and eastward of Islamabad, and between this coun-

try and our more interior provinces come all the multitude of streams by which the waters of the Ganges and Burhampooter are disembogued. In all this line there is, I believe, but one road communicating between the territories, and that a very bad one, through Sylhet; and, if there be any paths by which small bodies might have passed the limits, they cannot be numerous; nor could the danger to be apprehended from such incursions be serious. The facilities to defensive operations were, therefore, great; bodies of cavalry, stationed at those inlets where cavalry could act, and of light-infantry where they could not, must have afforded a certainty of cutting in pieces whatever dared to violate the security of the British territory; and, by blockading the mouths of their rivers with a few small cruisers,¹ they might have been taught, at little expense, how easily we could make them feel the evils of provoking our enmity. As for their contemptible boast of marching a force through India to the conquest of England, it surely deserved only to be treated as a proof of the pitiable folly and ignorance that was, in truth, just as capable of accomplishing the one part of the threat as the other.

On this frontier, then, we could easily prevent any serious impression being made—let us see what was to be expected by advancing beyond it. The country, which constitutes the Empire of Burmah, stretches from the ninth to the twenty-sixth degree of north latitude, and in its greatest breadth from 92° to 104° of east longitude. Its length is upwards of 1000 miles, and its mean width between three and four hundred. On the west (to the southward of our frontier) it is bounded by the sea, and to the north by Assam and Thibet; and it is in contact, on its other side, for a great extent of country, with the Empire of China, the Cochin Chinese,² Siam, and Malaya. It comprises the former kingdoms of Arracan, Pegue, and Ava, and a considerable territory conquered from Siam. It is computed to contain about sixteen millions of inhabitants. This may be an exaggeration; but there is no reason why it should, for the country lies in a climate favorable to a much denser population. It is watered by many noble rivers, and large tracts are under a rice cultivation. Of the surrounding states very little is known, but their universal jealousy of all foreign intercourse; and that, among the Cochin Chinese, there has always been a considerable French interest, founded by the missionaries.

¹The reduction of both Rangoon and Martaban were obviously within the means of such an armament.

²What is represented as Tunquin in the maps, has been conquered by the Cochin Chinese, and is part of their territory.

Such is the new theatre of action, on which we have entered in the East. It is sufficiently clear, that, were we to succeed in obtaining military possession of the country, there are but three uses we could make of the advantage ;—either to dictate terms of peace—to dismember the empire, and revive the former principalities, of which it is composed—or to retain the country as a conquest. What objects we should propose in the first of these cases to ourselves, as a compensation for the expense and hazard of the war, it is difficult to conceive. In all the wars which we have hitherto waged, we have had to deal with a population similar to that which our own territories contained, and accustomed to see the limits, by which the country was divided, in continual fluctuation, and, consequently, habituated to coalesce under the influence of any power which should alter the existing boundaries of states. Their religion was the same with that of our subjects, and their language, or some common tongue, already spoken by the natives of our adjacent territory. The country was either cultivated, or susceptible of cultivation, on the terms established in our provinces,¹ and every accession was a real accession of strength. The army which we maintained was necessarily regulated by the dangers from abroad, and the power which might be combined against us ; and without augmentation, might readily be applied to the retention of additional acquisitions. Every tract of country, therefore, which we gained within the Peninsula, diminished the force whose influence we had to apprehend, while it added in the same proportion to our own, and was really and effectually “an indemnity for the past, and a security for the future.” Nothing of this sort is possible with the Burmese. They speak a different language, are of a different religion from the inhabitants of India, and are visibly entirely a distinct physical race. Their country is regulated altogether on different principles from those of the Mogul Empire, and adopted by us ; and were we to appropriate any part of the territory, it must necessarily be retained in union by force, or the population expelled and replaced by a colony from Bengal ; a difficult, if not an impossible measure. A new and open frontier would, in both cases, be exposed to the enemy, who, on every occasion, would endeavor to recover his possessions, and with whom no durable repose could be obtained till we had acted over again in this country, under all the disadvantages of adding progressively to a burdensome foreign dependence, the same scenes that our Indian

¹ We took, besides, a more effectual method of ascertaining the value of our conquests, than that of land measurement and an estimate by the square mile ; we always stipulated for our indemnities in land, paying to the Government so many lacs of rupees annual revenue.

history displays. There is no reason to think that we could materially improve the frontier by any small additions, and if we could, I am sure that any such benefit would be ten-fold overbalanced by the perpetual hankering of the native government to recover them, and the ready pretexts they would afford for hostility, should we ever be found sufficiently occupied elsewhere. But, were such benefits clear and unequivocal, can they for a moment be put in competition with the evils attending a war such as that in which we are engaged?

Were we to attempt to exact from the enemy, as a condition of peace, a pecuniary compensation for the losses of war, we should find it impossible to indemnify ourselves in this way. The country has none of those sources from which wealth may be derived, which existed in India, where the industrious habits of the people, and the long period of successful commerce which they carried on with all the world (while, as yet, the prolific powers of machinery had not come in competition with the perfection of their manual dexterity) poured, from all nations, a continual stream of the precious metals into the treasures of her princes and her temples, the great reservoirs, where they continued to stagnate till some sudden emergency called them forth, or the rapacious hand of an invader was invited by the spoil.¹ The Burmese are precisely in that state of society in which they have little to lose but their lives or their liberty. The exportations are almost solely the rude produce of the country, and of that description which it requires no labor to raise. Their taxes are almost entirely paid in kind, and necessarily exchanged for the labor required in the service of Government. Supposing, therefore, our success the most complete; supposing that we had obtained possession of the country, and of the person of the king, I do not see what benefit we could derive to compensate for the war, from the most absolute power of naming our conditions. Such a conclusion would, no doubt, save

¹ The enormous amount of plunder said to have been found in these reservoirs, by the first Mahomedan conquerors, has been called in question; but there is hardly any degree of wealth, that can be ascribed to these deposits, that would be incredible; "nor does there seem to be any necessary bounds (says Mr. Hume) set by the nature of things to this practice of hoarding. A small city like Geneva, continuing this policy for ages, might engross nine-tenths of the money of Europe." * The returns to the immense commerce India, in all ages, maintained, have invariably been in the precious metals. These are nearly inconsumable; and, by a very short process of circulation, they found their way, either to the priests or the princes, with whom they remained for ever. If the extent of the influx, and the length of time it may have been supposed to operate, be considered, even the extravagance of an eastern historian may be true.

the credit of our arms ; but it will not, it may be supposed, be urged as a satisfactory account of the policy of a war, that we engaged in it for no other purpose, than that we might, in the end, get creditably out of it.

We have now to consider the prospects the second arrangement holds out, that of dismembering the territory, and parcelling it out into separate kingdoms ; such a measure would, it is to be presumed, proceed on the supposition, that, by so doing, we should diminish the power of our neighbor, and so render his efforts against us less formidable. But a state, far more powerful than the Burmese, and in a much higher state of civilisation, could make no impression on such a frontier as that which they have to surmount, in opposition to the resources of a Government like ours. To equip and to march a numerous army through intricate defiles, where the road must be made ; to pass many rivers, and to keep open the communication, and maintain themselves in our country, is an effort that would not be easy to the greatest state, and the best military talents in Europe, and quite beyond their power. The difficulty which we find in invading their country, across such a frontier, is abundant security against the danger to be apprehended from any attempts of theirs. That, by any dismemberment, we can diminish the chance of plundering expeditions, invited by the superior wealth of our provinces, is not to be expected. The means of preventing such an evil, in times of peace, must depend very much on the means of restraint which the Government of the country itself can exert over its subjects, and, consequently, on its power and its vigor ; and we might be always sure of compelling it to exert that power, by exacting from it a compensation for the damage incurred, or by retaliating by blockading their rivers, ravaging their coast, or burning their sea-port towns, till satisfaction was afforded.

Among the sources of tranquillity to a frontier, like that which divides us from Burmah, an efficient government on the other side of it, capable of being rendered responsible for the acts of its subjects, will be found not to be the least ; and the vigor of such governments as exist in the East are, within certain limits, almost always in proportion to the extent of territory ; because, being merely governments of force, the power they can exert bears by so much the more a greater proportion to the resistance excited by local causes of dissatisfaction. Were we to dismember the territory, the country lying along our frontier would either be left under one state, or it would be divided. In the former case, I can see no difference that would be produced, except that the Government would be weaker and less liable to retaliation elsewhere ; and, in the latter, that in addition to these disadvantages, we

should have two or more governments to deal with instead of one.

It is in vain to suppose that we can ever place the frontier of India, or any frontier whatever of such vast extent, bordering on rude and imperfect governments, on such a footing of security as will prevent occasional acts of violence, or avoid the necessity of recurring, at times, to defensive operations. There is scarce any country so inhospitable as to be entirely destitute of inhabitants; and the less dense the population, and the ruder their soil, the less are they likely to be amenable to restraint, and the more will they be tempted to satisfy their wants by the spoil of their wealthier neighbors. But on the whole surface of the earth there is probably no frontier of equal extent, so little liable to these evils as that of India. The districts on the banks of the Indus support no population, and the inhabitants of the mountainous districts cultivate their valleys, have no wandering habits, and are too destitute of horses to render pillaging operations formidable, were they ever to attempt them; or to save them from our cavalry, by whom they must be cut in pieces the moment they came down into the plain. If we are not to stop here, and content ourselves with defending what we have got, I ask, where are we to stop?

We have hitherto considered the measure of dismemberment, merely as it is likely to affect the purpose of affording tranquillity to the frontier. Let us now consider it with respect to some of the consequences it entails.—We should, it may be presumed, think it just and expedient, according to our established policy, to form treaties of alliance with the several states which we should erect, otherwise they would be in hourly danger of being over-run the one by the other, and the families we had placed on the throne murdered or expelled. To manage their several relations with each other and with us, we must, therefore, have recourse to residents at the different courts. We must be ready, on occasion, to support the state attacked, against that which will not listen to our mediation; and thus, over the whole of this vast territory, we shall be involved in a system of eternal discord and arbitration, like that from which we are just escaping in India. Nor does the evil rest here. The parts into which it will be divided will be unable to maintain their independence against either the Chinese or Cochin Chinese, and we shall thus be involved in a labyrinth of foreign connexion and foreign dissensions, to which no termination can be foreseen.

But, were these evils not likely to result from the plan of dismemberment, it would be objectionable, from its interference with the only line of policy, from which we can ever hope to derive,

from our situation in the East, the commercial advantages it is fitted to ensure. The aggregation of territory, to a considerable extent, is one of the most certain means by which, in communities such as exist in the East, the improvement of society is promoted. Its influence on the energy of the governing power has already been alluded to, and whoever will attend to the change produced in the condition of Egypt, (a fact more familiar to many, perhaps, than examples drawn from the remote regions of the East,) by the efficient authority of its present ruler, will be satisfied how much more useful the vigor even of the worst government is, than its weakness. Besides, while the states, under which a rude people are united are small, the whole territory is continually subject to experience all the evils of war, and every man must be by profession a soldier. Towns cannot grow up; the arts of life can never arise; and the only qualities held in esteem are the ferocious habits engendered by the constant endurance or infliction of misery. The influence of the seat of government, as the scene of the disbursement of the wealth of the state, and of the sovereign, is almost the only principle by which men, in such a state of society, are collected together in cities. The capital thus naturally increases with the extent of the state to which it belongs. It is there that some emulation takes place among the princes and the nobles in expenditure:—it is there that the changes of habit are introduced that are afterwards the object of imitation at the inferior courts, and that an elastic principle is communicated to human wants, the great main-spring of all improvement. Are we, then, instead of fostering the progress of civilisation among the surrounding nations, and endeavoring to rear them up into communities, with whom the usual beneficial relations of intercourse may be established, to take alarm at the first advances they make towards amelioration, and to employ our force to retain them perpetually in a hopeless condition of ignorance and barbarism?

To conquer the country, and keep it altogether, is certainly, of all the objects that can be assigned to the war, the one in vindication of which the least can be said. In order to get rid of the inconvenience of defending a small and difficult line of frontier, liable only at the worst to trifling irruptions, and close to all the resources of our power, we should have a frontier incomparably more difficult to defend than all the frontiers of India together. We should come into contact with Siam, Cochin China, Thibet, and Assam, and from the least of these should be more open to inroads on our new possessions, than we are at present from Burmah.

But, if the object is injudicious, it is also unattainable; we could not retain permanent possession of the country, nor attempt to do

so. We cannot organise a native army of Burmese, as we have done of Indians ; nor has the country resources to maintain the establishment of such a force. In India, the spirit of caste is substituted for the spirit of patriotism ; the community to which a man belongs, and with which he is identified, is not the inhabitants of a particular portion of the country, but a particular portion of the inhabitants of all parts of it. The social ties, by which mankind are united, are woven by their institutions with indissoluble strength, as far as the members of a village are concerned ; beyond that, they are wholly enfeebled ; and, provided the villages are kept entire, it matters very little to their members by what power the functions of government are carried on, or to what districts they are annexed. To the influence of such causes in destroying the interest of the people in the independence of the country, must be added the existence of a caste, whose peculiar profession was arms, which had long survived the integrity of the condition of mankind to which it was adapted, and the kindred government it was intended to defend. Accustomed to sell their services to whoever would employ them, and to adhere, with scrupulous fidelity, to those whose *salt they had eaten*, they communicated the same principles of action to all who adopted their profession, and thus rendered it easy to organise a force which could be safely employed as the instrument of subjugation. The condition of society in Burmah presents no advantage of this sort. If we conquer the country, it must be by our own means ; and if we keep it, by our own means must we retain it. To maintain a force in that country from our present possessions, capable of holding it in subjection, is quite beyond our power. The most favorable statements of the Company's profits and revenue pretend to no more than their barely repaying the current expenses of Government, and the dividends of the Company's stock ; but if we could maintain an army of fifty thousand men in the country, it would be inadequate to the purpose. In order to maintain tranquillity, it must be spread over these wide regions, and would be dissipated and dispersed in portions too small for its own security, or retained in masses that would be effectual only in their own neighborhood ; to say nothing of the defence of a frontier conterminous with five several kingdoms.

From this view of each of the three lines of policy we might be disposed to adopt in the case of success, there seems to be little benefit to be gained by either. Whether we fail or succeed, the effect of the war must be to spread widely the alarm of our subsequent views through all the countries of the East, and to increase greatly that jealousy as to an intercourse with Europeans, which has hitherto been the great obstacle to the valuable com-

merce which these wide and populous regions of the earth are capable of maintaining. It appears that the Chinese have already taken measures to fortify their frontier with Burmah, and we may be assured that the apprehensions excited among the feebleness of states is not less great. The interest which their fears must give them in the passing transactions, has necessarily fixed upon us in this war, not the eyes of the principalities of India alone, but those of the kingdoms of Asia, and whether we go on or go back, it must unavoidably be productive of evil. It must already have shaken their reliance on our protestations of moderation. It will probably inspire them with the same spirit of combination against us, which we have experienced within the Peninsula, and which is, in all states of society, the natural resource for supplying any apprehended deficiency of individual strength among nations. If we abandon the country, without obtaining some signal and decisive success, we shall cast a shade upon our arms, and appear to have undertaken a task that we were unable to accomplish. It is known that we have invaded the country; a measure that will be ascribed only to the view of making a conquest; and if we retire, it will be difficult to make it appear that we have not been driven out of it.

The one only advantage which can, with any shadow of reason, be expected from it, might be a stipulation in a treaty for a freer admission of commerce, and perhaps, some present benefit might be derived from it, though a most inadequate compensation at the best for the expense of the war. The bayonet is a bad instrument for the introduction of trade, as we have experienced in India. The moment our force was withdrawn, the treaty would be eluded. Restrictions would be revived, and the more particularly directed against us, that we had compelled their removal; and unless we were prepared at all times to enforce the observance of the treaty, it would be found perfectly nugatory. There is, in fact, no trade to be carried on with an *independent country*, but upon the conditions which it is pleased to impose, nor any way of overcoming the absurd restrictions with which, in rude conditions of mankind, it will shackle its commerce, but by its own gradual experience of the benefit it derives from it, and the influence which its merchants cannot fail to acquire in the regulation of this part of its policy. Could we have the moderation to content ourselves with the honor of victory, although but a barren result to the war, and take the first opportunity which success may afford, to put an end to hostilities, and leave the country to itself, the expenses of the war might limit its evils; and the manifestation of our power to humble the presumption of an arrogant nation, if it spread some alarm among surrounding states, would at least keep alive their respect for our arms.

It remains now to speak of the invasion of Burmah as a military operation ; and here, it will be necessary to premise a few observations as to the description of troops with whom that operation was to be undertaken, and the nature of the previous foreign services in which they have been induced to engage. It had been the object of the early Hindoo lawgivers to preclude the inhabitants from quitting the country, and they had therefore confined them as a people between the Attock (or forbidden river) and the sea ; their migration in any other direction being prevented by the obstacles which the country presents, and the impossibility of preserving their habits of life. The difficulties to their undertaking a voyage by sea were further increased by the nature of the observances which they are obliged to practise. They are prohibited from eating, or even touching animal food. Every man must cook his vegetable diet for himself, and must cook it on land ; and the constant ablutions in rivers or ponds, which they are required to practise, are, on shipboard, out of the question. Notwithstanding all these objections, apparently so insurmountable, by judicious management and the good will of the troops, the reluctance of the Sepoys was overcome. Vegetable food, that required no cooking, or as little as possible, and quantities of ghee, or clarified butter, were prepared for them, and by various devices, they were enabled to satisfy, or to elude their restrictions. Government never required them to embark, as a duty they were bound to perform, or ordered particular regiments upon the service ; but accepted their voluntary aid as a grateful mark of devotion to its interests. It was, in fact, a service entirely optional with the Sepoys. Instructions were sent to the commanding officers of regiments to induce as many of their men to go as possible ; some enterprising and popular European officers turned out for the expedition, to oblige whom many of the men followed the example, and by their persuasion others were incited. These drafts were afterwards incorporated into volunteer battalions, the whole temporary promotion of each of which went among its members.

In all the former expeditions on which they had been employed,—those for the reduction of the foreign European settlements, and the expedition to Egypt, the service was necessarily of a nature to be speedily decided. In the latter case, the French, cut off from all reinforcements by our superiority by sea, at variance with the people of the country, and assailed by the concentration of the English power from the Eastern and Western hemispheres, must have rapidly sunk, with whatever fortune the first battles had been fought. In the case of the foreign settlements, being commercial establishments, their wealth was necessarily concentrated at the seat of Government from which the shipments

were made, to save which, the enemy were always sure to interpose whatever force they had, so that we had it always in our power to bring the matter to the issue of a decisive battle, by marching straight upon the capital; and in this manner every one of the captures were made.

In these cases, therefore, no protracted series of operations was to be apprehended, which could subject the troops to any continued warfare, destitute of the conveniences to which they had been accustomed. It is sufficiently known, that an East Indian army is habitually attended by an immense concourse of camp-followers. Three camp-followers to one fighting-man is, certainly, in Bengal, a moderate average. Such have been the habits of war in the country, from the earliest times, and the effect of long experience has been to mature a system of purveyance by which it is rendered perfectly convenient. The establishments of travelling grain-merchants and moving bazaars, connecting themselves with all the subordinate descriptions of industry in the country, make an Indian camp, like a shifting city, in which all the wants of native life are as well or better supplied than in the cantonments of a regiment. The sudden and severe privations to which the sepoy has been, at times, exposed, have been borne with amazing patience; but the restrictions of caste render him dependent on the labor of many others; and neither by religion or physical constitution is he qualified for contending with continued hardship.

The nature of the country, for the invasion of which a force composed of such materials is to be employed, is the next point for consideration. It is eleven hundred miles long, three or four hundred broad, intersected by many large rivers, imperfectly cultivated, and covered in many places by immense forests. It is destitute of forts, or strong places of any sort, like those common in every part of India, which our superior military science enabled us to reduce, and which, once in our possession, were impregnable in our hands.¹ The cities are chiefly built of wood; and their pos-

¹ Of those relations between things which constitute the objects of the science of war, those between the physical wants, and the physical strength, and locomotive powers of bodies of men, and the means of sustenance, and the topographical influence of a country, are common to all periods of the world,* with whatever weapons war may be waged. It is impossible to de-

* This uniformity has been so remarkable as to enable an eminent geographer to assume the rate of march, as a measure of distance, with singular success, in determining the situation of places; and it is the more deserving of attention, because the rate of march is not, by any means, such as the physical powers of the human frame, in supporting fatigue, would allow it to be. That the deduction from this by the *impedimenta*, the wants, and the precautions of armies, should be an uniform quantity, is surely curious; the improvements in roads and wheel-carriages cannot be so great as is supposed, or are less capable of accelerating a march than at first sight appears.

session or destruction would entail no military consequence beyond the loss of property it might occasion to the enemy, and the moral effect of the impression on their minds. There is no wealth to stimulate the ardor of the soldier, or to reward his toils. The country is known to be excessively deficient in beasts of burthen; it is subject to the periodical rains common in tropical regions, and to extensive inundations; large tracts of it are flat and marshy, and cultivated with rice, and the branches of the separate rivers run into one another; wheel-carriages are not in common use; and the roads are few and bad. The cultivation is not continuous; but carried on in the open spaces best adapted to the purpose, the inhabitants of any one of which may easily retire, or be driven away to another, and the crop destroyed if it cannot be removed. A country of such a military character as this, is the best defence an uncivilised people can possess.¹ There is nothing in it tangible for a regular army; no footing in it, by which it can make good the ground which it acquires. There is none of the machinery by which it operates; no *points d'appui*; no dépôts for the formation of magazines, or the reception of the wounded and the sick, or on which a beaten or exhausted division may fall back. There are no roads; uncertain supplies: and unless the enemy commits the error² of coming to a general action, or risks one to save his

scribe more simply or clearly, the effects of fortified places on military operations, than in the language of Xenophon:—"But if we have a mind to go on still with the war, I say we ought to do this,—we should endeavor, as soon as possible, to take from the enemy as many of their strong places as we are able, and to erect as many places of strength as we can for ourselves; for if this be done, then they will have provisions in the greatest plenty who can take and secure the most of them; and they that are inferior in strength will be besieged. But now we are just in the same case with those that are upon a voyage at sea, for the part they have sailed over they do not leave so as to make it safer for them than the part they have not sailed. But if we have fortresses, these will alienate the territory from the enemy, and all things will be with us serene and quiet."—Xen. *Cyrop.* book vi.—Translated by the Hon. Maurice Ashley.

¹ The enemy who most effectually baffled the power of Rome, was not the civilised kingdoms of Asia, nor yet the lingering spirit of freedom and military genius of Greece, but the savages who defended the swamps and forests of Germany; an enemy—"qui non primordia populi Romani, sicut alii reges ducesque, sed florentissimum imperium laceggerit; præliis ambiguus—bello non victus."—TAC.

² Since these pages were written, it appears that the enemy has committed this error; what the result may be, on the issue of the war, must depend on the pertinacity with which they are disposed to defend their freedom; that the loss of five or six thousand men, from an army of sixty thousand, and among a population of sixteen or seventeen millions, cannot exhaust their means of resistance, is evident. The loss of arms may be more important, but if they can equip small bodies, and are compelled to act on the defensive, it may make them discover what their want of experience and the hurry of a rude people to get their enemy out of the country,

towns, no serious impression can be made upon it. A warfare in such a country must necessarily be laborious, and attended with many duties of fatigue to the troops, independent of their marches and their battles; provisions must often be carried; stores must be brought up; they must hut themselves in the rains; roads must be made and repaired; and none of these duties will the Sepoys willingly perform. To carry with them the comforts to which they have been used in the military service of their native country, is impossible; and therefore any protracted operation, or any distant inroad, must be attended with difficulty, and much dissatisfaction. All these disadvantages must be greatly increased by the necessity of supporting the army by a sea-communication; supplies must be forwarded to the fleet, and the fleet must be converted into a floating arsenal, from whence the advancing army must bring up its stores and recruits, and with which it must keep the route open. It is said, that the object in transporting the army by sea, was to send it up the Irrawaddy in boats, for the reduction of Ummerapoora; but how was a communication for four hundred miles to be maintained up a river of great rapidity? and where were craft sufficient for the transport of a force at all adequate to such a purpose, or that could be safely committed so far in the enemy's territory, to be found? The only way of commanding the navigation of a river is by getting possession of its banks; and that, in the present instance, is tantamount, very nearly, to the conquest of the country.

If the country was to be invaded at all, the better way would, probably, have been to march an army by the route through Sylhet. There can be no doubt that the resources of the Company's territory are perfectly adequate to force an army over all obstacles to Ummerapoora; as it advanced, additional means might have been supplied from the rear, to keep up the communication: we had, at no great distance on the left, for part of the way, the territory of Assam, which would, at least, have been neutral, and, probably, friendly,¹ if we appeared the winning side. If we kept

has hitherto prevented them from seeing, that time and disease are more powerful auxiliaries than cannon, in their hands.

¹ It is not at all meant to say, that the left of the army could have derived any material support from Assam; but the intervening country is too narrow to admit the existence of any force supplied by its resources, acting on the north side of an advancing army.

It appears that the Indian Government have proposed to act against the enemy in this direction, as well as through the frontier of Chittagong. These measures must doubtless, if successfully executed, enable us to make a more effectual impression on the country; that is to say, to march further into it, and distress the enemy more, and consequently increase the probability of obtaining peace on our own terms; but in what way we are to secure

steadily gaining ground, as we must have done, the enemy would naturally be inclined to concentrate his force between us and the capital; and if another army had come from the lower provinces, to act on the right of our communications, a force from our own territory might easily have been applied to keep it in check. To march a force, with safety, three or four hundred miles into an enemy's country, capable of supplying, only very partially, its wants, must be an expensive operation; but it is, no doubt, to be done, if adequate means are employed. How far such a measure would be decisive of the result of the war, is another question. If the enemy remain united, avoid coming to a general action, and resign the capital to its fate, in a country of such extent, and such physical difficulties to a regular force, the whole power of India could not reduce a population of sixteen or seventeen millions, or of half the number, to subjection. That it is reasonable to reckon on the commission of many errors, by such an enemy as the Burmese, I readily admit. A rude people are more swayed by circumstances than by maxims of policy; but the circumstances of their situation are those which would lead them, in this case, to do, in most instances, what wisdom would dictate. They have little wealth that they cannot carry away: their houses are of wood, or mats, and easily rebuilt; and the example of India has made a deep impression on the nations of the East. If they risk a general action, and are defeated, as they certainly would be, it might subdue their minds, or it might not. The expense, therefore, of the military operation of getting possession of Ummerapoora must be great,—its influence on the fate of the war very uncertain. That the enemy may divide, and a portion be induced to side with us; or that they may attack us with the whole force they can bring into the field, and be crushed at a blow; or that their spirits may sink by continued reverses, or on the fall of the capital, are possible contingencies. That some, of them may occur, to put an end to the war with credit to our arms, is most earnestly to be wished, and that we may derive from it the only advantage it is capable of affording,—that, of a lesson of the folly of all foreign hostilities.

The only event that can be quoted, with any appearance of similarity, as a precedent, is the invasion of Nepaul, during the administration of the Marquis of Hastings. The cases were the same, in as far as little additional revenue was to be looked for from cessions of territory; but in all other respects, the contrast between the circumstances is remarkable. Nepaul is a narrow

our conquests, or subdue the country, if the people trust to its natural strength, must be as doubtful as ever.

tract of country, of seventy or a hundred miles broad, lying between the valley, or great plain of the Ganges, and the insuperable mountains of Thibet. It consists itself of mountains that, like the Jura in Europe, seem formed from the washings down of the larger ridge, at the base of which they lie. These hills terminate abruptly in the plain, in a well-defined outline; are generally covered with wood, and the wood extends into the level country for ten or fifteen miles, forming what is called the Great Saul¹ forest. Beyond this, they had a portion of cultivated country, of perhaps similar breadth, separated from the Company's territory by an imaginary boundary, crossing, at right angles, all the streams which flow into the Ganges. The countries were contiguous for eight hundred miles, and the Nepaulese were rapidly extending this line, in both directions; threatening to cut off the communication between the Company's dominions and all the commerce which might eventually be opened with Thibet, Tartary, and the Eastern nations.

It is perfectly clear, that it was possible to paralyse at once the efforts of a country of this description, by pushing into it with rapidity a variety of separate columns, supported on our own territory; and that the enemy, distracted by an attack in so many points, could never concentrate from a scanty population a formidable force any where; while, by opening the communication between the columns, the country would be wrested from them entirely. Such was the simple and soldier-like plan of the Marquis of Hastings. That it did not produce its complete effect, was owing to causes over which he had no control:—a defensive war, in this case, was out of the question. The whole force of the Company's provinces could never have provided, by defensive operations, for the security of a frontier of eight hundred miles in length, in an open plain, without a hedge, and without a stream that was parallel to it. There was every prospect that the enemy would reduce Cashmere on the one side, and Assam on the other; and it was most desirable to stop their progress. It was certain, that they would avail themselves of the opportunity that would be afforded by the employment of the Company's forces in the meditated reduction of the Pindarees; nor could that measure be attempted, while a frontier of such length was left open to their incursions.

When, therefore, the Government was forced into a war, here was a plan that promised and deserved the most complete success, and that could not, by possibility, fail entirely; and here were wise and legitimate objects to look to as the fruit of victory. And

¹ Saul, the name of the prevailing tree of which it is composed.

every one of them were obtained. It never was the intention of the Marquis of Hastings to destroy the independence of Nepaul, as a separate kingdom. He was too wise to remove a barrier of such value, interposed between the British possessions and immediate contact with the dependencies of China; but they were deprived of every foot of territory they had in the plain below the forest, the edge of which was rendered the boundary; and independent states were erected out of their hill country, on either flank, and taken under the protection of the Company, to prevent their further extension. In military geography, no two cases can be supposed more directly opposed than Nepaul and Burmah. The one is a narrow strip, hemmed in, along with us, by the same impassable rampart, with an immense frontier open to it in front, and no depth. The other is a country lying beyond the natural limits of India, touching on our possessions but for a small portion of its length; and that on a strong natural frontier, and opening behind into vast regions, with great rivers, presenting so many successive lines of defence, and connecting itself, by neighborhood, with many powerful kingdoms.

These remarks are not pointed particularly to the war with Burmah, further than was necessary to apply the general principle to the particular case; and there is hardly an objection that has been stated that would not be conclusive, with equal force, against every offensive operation of magnitude beyond the limits of India. In the perpetual fluctuation to which our councils in the East are subject, it is not wonderful that they should be destitute of a steady perception of our situation, or undirected by an uniform and consistent system of policy; or that the individual entrusted with the administration of our affairs should, before he is aware of his ground, commit the country into a war, of the real consequence of which he may be ignorant. If I could suppose that these pages were ever to obtain the attention of those by whom the destinies of India are decided, I would implore them to profit by the past experience of our history, and to weigh well the situation in which we stand:—to consider that we have now reached a point, in which the views of those who have all along protested against the process of aggrandisement, and the views of those who have urged the necessity of acquiring power, that we may be safe, at length concur;—and that, if the Government at home does not supply the want of fixed principles in the Government abroad, and frame orders that shall not be disregarded, against firing a shot beyond the confines of India, but in the pursuit of an aggressor, we shall be involved in a sphere of action which can never again be confined. Cooped up within the same limits with the native states of India, we had no option in interfering with their concerns; and

an infinite variety of circumstances facilitated our success, which are all adverse to us in operations on a foreign soil. The manners, the habits, the institutions of the people, who must be our instruments, disqualify them for a struggle out of the territory to which they belong; and the boundless resources which the country ministers to war, are of that local nature that bear but little on distant hostilities. India has, accordingly, been many times conquered;—in the whole period of her history she never made a conquest.

And surely, there is wherewithal in India to satisfy the highest ambition. The government of a great and populous country is at any time a task commensurate with the highest qualifications which any man can possess;—to govern a country of this description, in which every thing is to do, is a field for the display of ability, and the acquisition of the noblest description of fame, vast as the imagination of man could desire. The process of colonial aggrandisement, which England has pursued, cannot be carried much further. There is obviously a proportion, with reference to the country to which they belong, beyond which such dependencies become a burthen, and we are already beginning to feel that we have passed that point. Every new acquisition requires an effort on the part of the mother country, proportioned to its size and its distance, to hold it in union, which wastes and dissipates her strength by excessive diffusion. The possession of these portions of the earth is, however, at least, the power to improve them; and it is time that we should bethink ourselves of the means of turning them to better account; and if we do not speedily do so in India, the country will be lost, or reduced to a condition in which it will not be worth the preserving.

By the establishment of a property in the soil among the people, we have laid the foundation of a new state of things in India. A landed aristocracy are rising up, on the future character of which the destinies of the country must depend. When the permanent settlement was established, it was thought due to the interests of the Company, to calculate the portion of the rent or surplus produce, after paying the expense of cultivation, as high as ten-elevenths of the then actual revenue, for the annual tax or quit-rent payable to Government. It is manifest that a tax calculated at a rate so exorbitant, and liable to such inequalities in the assessment, could not fail to ruin many who speculated in these estates, and compel them to sell their lands; and in fact a very large proportion of the territory so settled, changed hands very rapidly. The new purchaser, however, stood in a different situation; the revenue which he was to derive from his capital necessarily bore a certain proportion to the interest of money in the market. If a

man, for example, had two hundred thousand pounds to invest in land, and received for it, in the market, the legal Indian interest of 12 per cent., it is presumable he would get 7 or 8 for it by purchasing estates; but as only one-eleventh of the net rent was available to realise this interest, the only difference to him was, that he obtained for his money a wider tract of country than he would have done, had he acquired a right to all that it yielded. There existed nothing, it is true, in the relations established by this measure between the proprietor and the cultivator, at all analogous to those feudal rights of oppression, which rendered the power of the barons despotic over their dependants; but the power of property in the soil, over those who live on it by their labour, is in itself great at all times, in a country like India, where it stands alone, immense; and without the actual power which it confers, the ties of respect, of neighborhood, of kindness, and of permanent connexion, are sufficient (where no other source of natural influence exists) to identify the people with their landlords, beyond the power of separation. The produce of an estate, in a country in which improvements in the economisation of labor are unknown, may be reckoned pretty nearly in proportion to the number of persons which it contains; and the population thus subjected to the influence of an individual is just eleven times as great as if his estate was a freehold. The great revolution which has thus been effected in the nature of the gentry of the country, in the substitution of a landed aristocracy, possessing a source of real and substantial power totally unconnected with the Government, for a body of men whose political consequence and whose very existence were alike dependant on the sovereign, have altered entirely the constitution of society in India; and by the nature of the influence which this new class are to exert on the community, must the future condition of mankind be moulded. Power they must possess, and either they will exercise it in a state of the most barbarous ignorance to no useful purpose, or they may be made the means of the civilisation of India. Nor let it be supposed, that the want of improvement will be any security for the continuance of the present passive character of the people. Hardier and more enterprising habits of thinking and of acting are perfectly compatible with a state of society less civilised than that which exists. The introduction of more natural principles, for the constitution of mankind, must do something of itself in shaking them free from the trammels of prejudice which enfeeble their conduct, and the continued intercourse with Europeans must do more. The measure which introduced this change in the tenure of land has been, in its general effect, an infinite blessing to the country, by the creation of a permanent interest in improvement, and the

security which it affords to possession. Before its establishment, the most fertile provinces on the banks of the Ganges were subject, under our Government, to almost periodical famines, which swept away millions of men, and villages by thousands; reducing, in the language of Lord Cornwallis, "a third of the Company's territories to the condition of a wilderness, inhabited only by wild beasts." Since its operation began, these villages have been rebuilt; these wildernesses have been covered with plentiful harvests; and since that period I do not believe that it could be proved, that in all the provinces of Bengal a single human being has perished of hunger.

But the good which it has done is but little compared with what it might be made to do. The causes of change are as yet but feebly beginning to operate. The animating principles of the former state of society have died away; and at this moment all the main-springs of human conduct are in our hands, and we may make the country and the people what we please. We have already felt the benefit of the outlet which the continent of South

* The permanent settlement, and the nature of the tenure of land under the ancient Government, have been the source of a great deal of discussion. But, what can it signify what were the rights vested in individuals a thousand years ago, by a most artificial and vicious form of society? The only question worth our consideration is, what is the most natural and beneficial footing on which the cultivation of the earth can be placed? and the experience of the world has sufficiently proved that to be in the freehold rights of a landed proprietor, and a tenant paying a rent for the usufruct of the soil. Some violence was no doubt done to the rights which the Ryots possessed under the Mogul Government; but those rights were artificial, created by the law, and resulted from the relations which the law established between the cultivator, the Zemindar, and the Sovereign. The Zemindar was not a landholder, but a farmer of the land revenue; his connexion with the tract of country he held was temporary, and it was the interest of the Sovereign alone that was permanent; and, against the exactions of this middle man it was necessary that the cultivator should be protected: in abolishing this absurd proprietary right in the state, we have substituted a much better and more efficacious interest in the welfare of the country by the creation of a landed gentry; and if the people do sometimes suffer injustice at their hands, it is more to be ascribed to the utter inefficiency of our magisterial and judicial system, than to the destruction of the former rights of the Ryots.

Changes affecting so materially the whole structure of society cannot be made without producing some temporary evils; but these are of little consideration compared with the benefit of laying the foundation of a natural condition of mankind. It is most earnestly to be wished that the permanent settlement, or some measure clearly recognising the right of a body of landholders in the soil, was extended to every foot of territory in the Company's possessions. We still hear of famines at Madras and Bombay.

Some curious observations on the effects of the landed system, under the ancient Government, are to be found in the letters, published at the end of Bernier's account of his residence at the Court of the Mogul.

America has afforded to our trade ; but the commercial capabilities of a country are not determined by the extent of its limits alone, nor yet by the riches which its soil may be made to yield. It is the *inhabitants* of a country that must give the power of consumption, and the industry which must afford the means of exchange by which that consumption may be supplied ; and within our own provinces in the East we have a larger population than all the wide regions of America contain, from one polar circle to the other. The population, it will be said, do not consume our goods ; but is it impossible to make them consume them ? The craft of a legislative priesthood has fettered, but cannot have extinguished the wants of mankind. The people are still subject to the inclemencies of the seasons,—to the cravings of appetite,—to the influence of vanity,—to the stimulus of emulation ;—and though some of their wants may be less importunate than those of a ruder climate, or more easily satisfied, to a certain degree, I cannot see that it requires less to contend effectually with the torrid heat of a tropical sun, or the torrents which furrow the earth in the rainy monsoon, than it does to shelter and maintain mankind in colder, but more moderate latitudes. These wants have been sufficiently active to carry, in former ages, the luxurious refinements of the East, and the various arts of life, to a degree of perfection unknown to the rest of the world ; and to the same wants that produced these effects we have it now in our power to minister, if we can but set them free. Emancipate the minds of the people from the moral thralldom in which they are held, and their progress in every useful attainment, and their demand for every means of gratification that can be supplied to their tastes, will no longer be doubtful. Why should such a result be despaired of ? It is a natural, for an unnatural state of things, that we wish to substitute ;—it is freedom, instead of restraint ;—it is truth, instead of error ;—it is enjoyment, instead of privation.

When we see the progress of liberality in our own day, how the slave-trade has been abolished, the blessings of education extended to the poor, and the right hand of fellowship held forth to freedom in America, one cannot but hope that the friends of humanity, by whom all these great things have been done, may be invited to labor in this new and hopeful field of exertion. The slave-trade was undoubtedly the most crying enormity on the face of the earth ; and, though there is no stain of so deep a dye to wash from the Indian soil, the amount of positive good that may be done, should be a claim as strong on the efforts of those who have the interests of humanity at heart, as the magnitude of the evil to be redressed ; and, in this respect, where is the comparison between the benefit to the world, in the trifling alleviation that can

be afforded to the miseries of slavery, (however importunate the claim that what can be afforded should be obtained) with that which must result from the intellectual emancipation of a population of eighty millions of men, in all perpetuity, and the infallible consequence which it must entail, of the civilisation of the East. I have no doubt that by many the idea of improving the Hindoos will be treated as visionary and absurd, and by none, more certainly, than by those who pique themselves on their practical knowledge.¹ But, to such men I would say, that however well they may have learned to play on the flute, they have paid but little attention to the means by which small cities may be converted into great states. The miracle is not that a people should be made to improve, but that a people should have been rendered stationary for so many ages:—that a form of society should have been devised capable of withstanding so many conquests—so many centuries of subjection to foreign rule—so many persecutions—so many attempts at religious conversion—of arresting the impulse itself which man received from the hand of his Maker; and of exhibiting the people, at the end of thousands of years, still fixed in the attitude and on the spot in which they were first petrified by its touch, is the greatest moral and political wonder in the history of the earth. “Je prie,” says Montesquieu, (speaking of the contrivers of the Greek constitutions,) “Je prie qu’on fasse un peu d’attention à l’étendue de génie qu’il fallut à ces législateurs pour voir qu’en choquant tous les usages reçus en confondant toutes les vertus; ils montreroient à l’univers leurs sagesse.” How much more justly might the same remark be applied to those men by whom the Hindoo laws were given, compared with whose enduring institutions the boasted provisions of Solon or Lycurgus were but the passing expedients of a day.

If the system were assailed by any of the means which it has hitherto withstood, or by any direct application of power, the task would be hopeless. The means, the irresistible means by which its withering influence may be overcome, exist in the latent energies of human nature itself:—we have but to clear out the springs and the fountain-heads of the waters of life, to set free the “*naturam naturantem sive fontem emanationis*,” to make them flow of themselves, and cover the dry and thirsty desert with verdure and plenty. It cannot be supposed that the measures can be stated here by which such a result might be produced, although many

¹ The allusion is meant to apply to men of this character generally, and not to the servants of the Honorable Company; a body, not more remarkable for the exemplary and laborious discharge of their duties, than for the candor and liberality with which they are disposed to impart and to receive information.

might be suggested: but lest these remarks should be considered too general, I will only say, that we may put them, or a large portion of them, in possession of an European language, and the door of the temple of knowledge is thrown open before them;—we may permit, under proper restriction, the acquisition of land by Europeans, and by colonising the country, incorporate with the landed interest already existing a body of gentry that must operate powerfully in changing their habits. Much may be done to collect the gentry into towns. We may establish other sources of distinction in society, in opposition to the dignity of caste, to weaken its influence;—we may stimulate in various ways the action of the wants of the people; we may do something towards acquiring an influence over the priesthood, which might be exerted to relax their jealousy, and for many useful purposes; and we may give value and importance to superiority of attainment, by making it the road to profit and to honors.¹

No stronger proof can be required of the certainty of demand in producing intellectual acquirement of any kind, than the number of individuals who have arisen in Bengal, possessing all the qualifications of the most expert English clerks and accountants, without any public assistance, and simply from the knowledge, that such attainments will afford a respectable means of existence. Such men are to be found, in any number, and at most moderate salaries; speaking the language, it is true, very imperfectly, from the imperfect instructions they can convey to each other, but understanding it sufficiently for any purpose of communication, writing

¹ Some useful hints may be derived from the means by which our own barbarous ancestors were reclaimed.

Sequens hyems saluberrimis consiliis absumta, namque ut homines dispersi ac rudes, eoque bello faciles, quieti et otio per voluptates assuescerent: hortari privatim, adjuvare publice, ut templa, fora, domus exstruerent, laudando promptos et castigando segnes; ita honoris æmulatio pro necessitate erat. Jam vero principum filios liberalibus artibus erudire et ingenia Britannorum studiis Gallorum anteferre, ut qui modo linguam Romanam abnebant, eloquentiam concupiscerent. Inde etiam habitus nostri honor, et frequens toga, paulatimque discessum ad delinimenta vitiorum, porticus et balnea et conviviorum elegantiam. Idque apud imperitos humanitas vocabatur, cum pars servitutis esset.—Tac. Julii Agric. Vit.

From the way in which he speaks of the 'frequens toga,' it may be presumed, that some previous prejudice had existed against it among the Britons, as the distinguishing badge of their conquerors. A remarkable instance of a similar effect produced by a similar cause, is to be found in India. Among the articles recommended by Sir Thomas Roe, to form part of an investment to India, from the request in which they were held at the court of Jehanguire, are *hats*. The meanest Hindoo or Mussulman in Bengal could not now be induced by any consideration to put a hat on his head. And a *Topé-wallah*, or hat-wearer, is a term of scurrilous and opprobrious abuse among the lowest of the people.

the character in the highest perfection, and keeping the books of bankers, and the public departments of Government, with a precision and a neatness not to be surpassed. If then this humble remuneration, in an obscure avocation, has been able to produce such an effect in leading them to cultivate a species of knowledge, which has no attractions of its own, what might we not expect with the facilities of public institutions,—the stimulus of public honors,—the ambition of public employment,—the rewards of public emolument, in those higher and more ennobling pursuits,—where the mind is borne along by that “*insatiabilis quædam e cognoscendis rebus voluptas in qua una, confectis, rebus necessariis vacui negotiis, honeste ac liberaliter possumus vivere?*”¹ Can it, indeed, be questionable, whether a people be susceptible of improvement, to whose intellectual powers we owe the origin of all the sciences, and the rudiments of almost every art?²

How vain, hitherto, have been the attempts to convert the people from the absurd and puerile observances of the superstition

¹ Cicero de Fin.

² The people are far from being insensible to the increase of ignorance, or unwilling to acquire information. In a very remarkable petition, presented by the inhabitants of Benares to Government, at the time that the house-tax was attempted, they stated, very strongly, their sense of the decline of knowledge, and, “that if it were not for the public establishments at Calcutta and Benares, there would not be one well-educated native from one end of the Companies’ provinces to the other.” They alluded, of course, to such education as they had been accustomed to receive, and as their seminaries are capable of affording; but they would gladly profit by better means of instruction. I knew one native gentleman, who was endeavoring to acquire some knowledge of geography; he had procured a very indifferent English map of the world, and had no means of making himself master of the names of places but by carrying it about in his pocket, in his calls on the English gentlemen of his acquaintance; and he used to produce it, and ask, with much modesty, the information he required, which he wrote down in Persian, making as near an approximation to the sound of the words, as the orthography of that language would admit.

“As we proceed,” says Mr. Stuart, “these provinces will soon present the singular spectacle of a great empire, the Government of which rigidly excludes its subjects from any object of fair ambition, which, in the pursuit, could stimulate men to cultivate their faculties, or, in the possession, enlarge their understandings, or elevate their minds. The natives may acquire wealth as merchants; they may be proprietors of land; but these occupations, as they are managed in this country, have no great tendency to raise the character. Beyond these, with the rarest exceptions, there is nothing to which the people can aspire, higher than the command of a platoon of Sepoys, or the possession of some petty civil office, insignificant in its functions, and paid with a salary hardly adequate to a bare subsistence. My speculations may have misled me, but I am persuaded that very unfavorable effects from these causes may already be traced in the habits of our native subjects; and their long continuance must, I think, infallibly end in reducing the whole population to one ignorant, grovelling, litigious, and profligate herd.”

which they profess, to the pure morality, and simple and beautiful truths of the Christian religion; and for no other reason, but because it is impossible that ignorance and darkness should comprehend the religion of knowledge and of light,—as well might we hope to force the fruit from a tree, before it had put forth its leaves and its blossoms! Cultivate their understandings, and enlarge their minds, and they will turn of themselves from their monstrous idolatries and fantastical imaginations, in quest of something with which human reason can reconcile itself; then offer them your religion, and it will be eagerly received, in all its perfection, without the risk of profanation by their misapprehensions. The dark and gloomy forest, with which the land is overshadowed, must be cleared away; the earth laid open to the genial influence of the sun and of the air, and the soil subjected to the plough and to the harrow, if we would commit the good seed to it with any hope of return. In doing so, we shall but imitate the wisdom of Providence in the dispensation of mercy, by which this boon was bestowed on the world; half the generations of men were suffered to pass away, ere the light of the Gospel arose; and it came not till the progress of human reason had merited the blessing, by the readiness of the more advanced portion of the species to abjure their errors.¹

I have alluded to the subject, not only as a motive to those who are zealous for the conversion of the heathen, to promote the intellectual improvement of the people, but because they run the risk of marring the very end they would accomplish. They must press their direct efforts with caution, if they would not render the means abortive by which these efforts alone can ever succeed. Instruction the people may be readily made to receive, if it come not in the garb of a hostile religion; and before a very moderate intellectual cultivation, such ridiculous absurdities as constitute the objects of their veneration could not stand for an hour.

The improvement of the people is daily becoming more necessary, from other considerations than those of mere philanthropy. We are beginning to discover the evils resulting from a want of assistance on the part of the inhabitants; and before any remedy can be applied, the people must be qualified to take a greater share in their own affairs. We have tried the extraordinary experiment

¹ “Quis enim Hyppocentaurum fuisse aut chimæram putat? quæve anus tam excors inveniri potest, quæ illa, quæ quondam credebantur apud inferos portenta, extimescat? Opinioni enim commenta delet dies; naturæ judicia confirmat.”—CIC.

“O! genus attonitum gelidæ formidine mortis,
Quid Styga, quid tenebras, quid nomina vana timetis,
Materiem vatium, falsique pericula mundi.”—OVID.

of performing, by means of a few hundred foreigners, all the duties of Government for a population of eighty millions ; and, as might have been expected, the experiment has failed. The courts of justice are universally deeply in arrears. The protection to persons and to property is most imperfect—of public instruction, there is nothing deserving the name ; and the security afforded to the territory from foreign violence, is the one only duty of Government that is tolerably fulfilled. In the state of anarchy and disorder produced by the dissolution of the Government at Moorshedabad, in which the substitution of English agents for the ancient native officers was introduced, the measure was, perhaps, the best immediate remedy that could be applied to the corruption and oppression which universally prevailed wherever the effects of power could be made venal. Government, however, in all its forms, good or bad, is an institution more or less perfect, originating in society itself, for the purpose of fulfilling those public and common duties, of which every association of mankind must feel the want. And its operation is, to a great degree, a function of society altogether. Under the most oppressive and despotic Governments, there are a number of imperceptible ties and gradations, by which they connect themselves with the people. And it may be truly said, that Government is not more necessary to society, than the co-operation and animating influence of society is to the useful and efficient discharge of the duties of Government. Under the Mogul Empire, the whole frame of society and the Government were completely identified. From the Emperor to the lowest peace-officer, and from the Emperor to the peasant that tilled the earth, there was a regular gradation of power and of responsibility, that connected all parts of the population together. The mistake which we committed—and a mistake that has never been rectified, was, in not seeing, that in superseding, so completely, all the active powers of the ancient Government, its forms were no longer adapted to the governing principle that we introduced ; and that to frame a system at all capable of conducting the internal administration of the country, changes sufficient to accommodate the whole constitution to the power to which it was to give effect, were indispensably necessary. Were it possible, from among a people themselves, to form an organ of Government completely insulated from society,—on which the people had no influence, in whose aid their co-operation was not enlisted ; and discharging, by a sort of mechanical process, the several functions for which it is intended ; it cannot be doubted that they would be most indifferently performed. The members of Government, however, in this case, and all the necessary agents in the despatch of affairs, the enactment of laws, the prevention of crime, and the distribution of justice, being

drawn from the mass of society themselves, might derive, from common habits of thinking and of acting,—common prejudices—common estimates of right and wrong, and a readier insight into congenial character,—some correctives to evils of this description.¹ By living and associating besides with the community, whose affairs they despatched, they would be in the way of learning the true feelings and wants which the people experienced, and would possess the advantage of a much better observation of the effects of their measures. They could not be wholly independent of the good opinion of the population whom they governed; and above all, their own interests would be involved with those of the rest of

¹ Some idea may be formed of the inconvenience actually experienced by those engaged in the business of the country, from such deficiencies. "Nothing is more common," says Sir Henry Strachey, "even after a minute and laborious examination of evidence on both sides, than for the judge to be left in utter doubt respecting the points at issue. This proceeds chiefly from our very imperfect connexion with the natives, and our scanty knowledge, after all our study, of their manners, customs, and languages. * * * We perhaps judge too much by rule. We imagine things to be incredible, because they have not before fallen within our experience; we make not sufficient allowance for the loose, vague, and inaccurate mode, in which the natives tell a story; for their not comprehending us, and our not comprehending them; we hurry, terrify, and confound them, with our eagerness and impatience * * * we cannot study the genius of the people in its own sphere of action; we know little of their domestic life, their knowledge, conversation, amusements, their trades and castes, and any of those national and individual characteristics which are essential to a complete knowledge of them. Every day affords us examples of something new and surprising; and we have no principle to guide us in the investigation of facts, except an extreme diffidence of our opinions, a consciousness of our inability to judge of what is probable or improbable * * * The evil I complain of is extensive, and I fear irreparable. The difficulty we experience in discerning truth and falsehood may be ascribed, I think, chiefly to our want of connexion and intercourse with them; to the peculiarity of their manners and habits; their excessive ignorance of our character, and our almost equal ignorance of theirs."

I am indebted to Mr. Mill's work, and to the Article India, in the supplement to the Edinburgh Encyclopedia, for these quotations from the reports of the civil servants of the Company, the only source to which I at present had access. The loss of all the papers on the subject of India, which I had accumulated during a nine years' residence in the country, disables me from confirming these general conclusions by more striking illustrations. To those who are intimately acquainted with the state of the country, none would be necessary; but I was induced to support my observations by these testimonies to facts, that I might not appear to others to be overcharging the picture to suit my own argument. They are, I believe, entirely drawn from reports of Sir Henry Strachey, and Mr. James Stuart; and to those who may be ignorant of the weight to which they are entitled, it may be well to say, that these gentlemen are two of the most eminent judicial servants for talent and for worth, of whom the service of the Company has ever had to boast.

society, in the consequences of their acts, and in the evils resulting from mal-administration. But in the English Government of Bengal none of these palliatives are to be found—no intercourse takes place between us and the people, but that required for the transaction of business. The residence of an individual in any one part of the country, is very short,—his connexion with it at large, temporary; he is entirely exempted from the influence of his own measures, and in all probability, his stay in India is never sufficiently long to enable him to form his own estimate of their results.

In addition to this complete insulation of the organ of Government from society, the number of European civil servants is manifestly totally inadequate to perform any thing like the duties of internal administration, to such an immense population; and we have committed the further error, of retarding in a government, the principle of which is that of the purest military despotism, the administration of justice, by many of the forms applicable only to a free constitution. In free states, "*les peines, les dépenses, les longueurs, les dangers même de la justice, sont le prix que chaque citoyen donne pour sa liberté;*" but it is an intolerable evil, in a country reduced to the condition of a conquered province, to clog the determination of causes with the penalties payable for liberty, "*la manière de les finir est indifférente, pourvu qu'on finisse: le Bacha d'abord éclairci, fait distribuer à sa fantaisie des coups de bâton sur la plante des pieds des plaideurs, et les renvoie chez eux.*"¹

It is most natural for us, who are justly accustomed in our own country to consider the law as the safeguard of the constitution, and the decisions of our judges as the safeguards of the law,² to endeavor to secure, in as far as we can, the administration of justice from error. But the absolute and perfect dispensation of justice is unattainable in human affairs, and there is no injustice that can be done, so great as the withholding of justice altogether; nor, is it conceivable that any errors, resulting from a more prompt determination of causes, could be productive of any thing like the aggregate evil resulting to the community from the inability of our courts to overtake the business.³ The misfortune is, besides, that,

¹ Esp. des Loix, liv. 6. c. 2.

² *Judicia, enim anchoræ legum sunt, ut leges reipublicæ.*—BAC.

³ The causes to which I have before alluded, which prevent in India the accumulation of capital, operate with such effect, that the cultivation of the earth is generally, if not universally, carried on by loans from the Shroffs or Bankers, in the towns, advanced on the security of the future crop, at most usurious interest. The effect of our land-tax, calculated at ten-elevenths of the surplus produce, and the complete decline of the ancient gentry, who have consumed their capitals, render the disproportion between the upper

after all, the pure administration of justice is not accomplished. The people have studied the forms of our courts, and have employed them to defeat the very ends that we intended them to fulfil. Some of the upper classes of natives have been heard to say, that it would be better if the English gentlemen would throw the dice at once for the decision of the suits, than settle them as they do; and were it not that we constitute the sole power in the country capable of enforcing an adherence to the decisions that we give, the number of causes, brought before our courts, would probably be more in proportion to their own means of despatch.

If it were a rational and comprehensive, and well-defined system of jurisprudence, that we administered, the evil might not be so great; but it is to the Mahommedan and Hindoo law, whose vague and uncertain provisions are susceptible of interminable cavils, and where the latitude of application, on the part of the judge,² is the

and lower classes in India much greater than in any other country; that is, in this case, the proportion between those who have something, and those who have nothing. The previous habits of oppression acquired under the Mogul Government,—the abolition, by the permanent settlement, of fictitious rights, created by the ancient system, in the cultivators of the soil, rendered the lower classes of society the special objects of the protection of the law, from the injuries to which they are so peculiarly exposed. These men, (and these men are the community) cannot approach our courts of justice. "The cultivators are unable to support themselves at the Sudder during a procedure of two or three months. They cannot return to their houses without submitting to their oppressor. They must have speedy justice, or none."—SIR HENRY STRACHEY.

"Within these few years, too, the natives have attained a sort of legal knowledge, as it is called; that is to say, a skill in the arts of collusion, intrigue, perjury, and subornation, which enables them to baffle us with infinite facility."—SIR HENRY STRACHEY.

² *Optima lex quæ minimum relinquit arbitrio judicis, optimus judex qui minimum sibi.* But this sort of *optimus judex* requires the *optima lex*. Of the law in operation in India Mr. Mills gives the following very just account. And it can scarce be doubtful, that the decisions of any English gentleman, of fair understanding, on the individual merits of each case, would be better than the *summum jus* of such a code.

"It is a sort of a mixture of the Mahommedan and English systems, and so contrived as to combine the principal vices of both. With the exception of a change in certain modes of punishment, revolting to English minds, the Mahommedan code which, in penal matters, had been exclusively followed by the Mogul Government, was still retained. It was the characteristic of the Mahommedan law, as it is of the law of all rude nations, to be unwritten. The standard was the Kôran, in which nothing beyond a few vague precepts could be found. To these were added, the commentaries of the Doctors, of which some had attained the rank of authorities. The vagueness of the commentaries corresponded with the vagueness of the original; and no distinct legislative definition existed." MILLS, vol. iii. p. 36.

In civil suits, the Mahommedan or Hindoo law is applied, according to the religion of the defendant.

only chance of making the enactment a measure of justice at all adequate to the cases that occur, that we have attached all these technicalities. Of the old Government it might be said,—“*quæ usu obtinuerunt, si non bona, at saltem apta inter se sunt;*” but, probably, under no government, since the world began, were such monstrous incongruities ever united, as in that of our East India provinces. If it should be inquired, *how* they are united, the answer is at hand,—by the only means by which such an union was possible—by the influence of an army of a hundred and sixty thousand men.

The reluctance of the people to appeal to our courts, or to support their operation, manifests itself in many ways;—in cases of disputed boundaries, the villagers turn out in arms, and proceed to settle the question by a regular skirmish, in which many lives are frequently lost.¹ It is with much difficulty, and frequently by absolute compulsion, that they are brought to appear before the magistrate, either as complainants or witnesses; and, in all the dreadful atrocities committed by the decoits, or gang robbers, society was completely inert in its own defence. Various means were taken to force the Zemindars to activity, and penalties were imposed to compel their assistance; but, if all the robberies, and murders, and torturings that were inflicted, were insufficient to call forth the co-operation of the people with the Government, it is not likely that much could be gained by the risk of fine or imprisonment. In one case (I forget precisely where) where the inhabitants had suffered severely from this evil, they rose of themselves, and proceeding, as if no government existed in the country, surrounded the houses which they knew the decoits inhabited, and hanged, without any process or authority whatever, a great many of them, and thus checked effectually the outrages which they suffered.

Had any, the smallest connexion existed between society and the Government, such a state of things would be impossible; and the only remedy for the multiplied evils which must result to a community from such a separation, (and of which these are only a sample) is by uniting the Government and the people together in one uniform system, and employing the natives, in a much greater degree, in the management of their own affairs.² We are too apt

¹ As many as four or five thousand combatants have fought in these affrays on a side; a striking picture of the dense population of the country, and the species of redress the inhabitants expect from our Government.—Armies brought into the field by a few villages, almost as numerous as those by which the fate of the Spanish provinces in South America have been decided!

² “In our country we all know what service the society contributes to its

to satisfy ourselves that all is well, if we hear that nothing is amiss ; but what was the amount of all the evil alleged against Mr. Hastings, (had it been true,) and which roused the indignation of the whole country, compared with the infinite suffering and misery which the deaf and inexorable¹ operation of our system has produced ? The whole class of the gentry have, in the short space of half a century, melted down into the multitude ! Of what volumes of wretchedness is not this the evidence ? What scenes of honest pride, struggling with the encroachments of poverty, on habitual luxuries, comforts, and necessities, have not been daily acted over and over again in this universal process of humiliation ?² If we look for actual and positive bodily injury, produced by our misgovernment, I do not believe that all the cruelties practised in the lifetime of the worst tyrant that ever sat on a throne, ever amounted to the quantity of human suffering inflicted by the decoits in one year in Bengal.³

I have been led into longer details with respect to the state of the country than I intended ; but it was difficult to allude to it at

own protection ; we know how much vigor is conferred on its police by the support which it receives from native gentry, from respectable landholders, from the corporations in towns, and from substantial persons of the middle class, in the villages. We can form some conception of the mischief which would ensue, if that support should be withdrawn, and an attempt made to compensate it by positive laws and artificial institutions. Such is the extreme difficulty of distributing justice to a people, without the aid of the people themselves."—MILLS, vol. iii. p. 334.

¹ Legem rem surdam et inexorabilem esse.—LIV.

² A native gentleman, of whom I made some inquiries on this subject, furnished me with a list of upwards of one hundred families, who, in his own memory, had disappeared from the neighborhood in which he lived, either by migration in quest of employment to the native States, or who had been lost among the crowd. He enjoyed, himself, a small pension from the British Government, which rendered him wealthy, compared with his less fortunate acquaintances ; and he told me one day, that he had that morning purchased as an act of charity, a sofa, from the widows of a man "to whom *he*, when he met him, was used to bend very low." In our little intercourse with the people, we know hardly any thing of what is passing within the walls of their houses ; but human suffering is much alike in all climates, and with a few such glimpses imagination can very readily fill up the spacious canvas she has to work on.

³ "Were I to enumerate," (says Mr. Dowdeswell, in a Report to Government on the subject) "only a thousandth part of the atrocities of the decoits, and of the unjust sufferings of the people ; and were I to soften that recital in every mode which language would permit, I should still despair of obtaining credit, solely on my authority, for the accuracy of the narrative * * * * Volumes might be filled with the atrocities of the decoits, every line of which would make the blood run cold with horror." There was one man hanged during Lord Minto's government, who boasted that he had with his own hand, in the course of a few days, committed nineteen murders.

all, without appearing to deal in assertions so sweeping, as to seem undeserving of credit; or to afford such a view as I have done, of some of the more remarkable and obvious evils under which it labors; and if I should appear to have exceeded the limits to which the nature of my more immediate subject ought to have confined me, I trust I shall be excused, if I have endeavored to avail myself of what little temporary curiosity the passing occurrences may have attracted to this portion of the empire, to awaken some attention to those deep and permanent interests to England, to India, and to mankind, which it involves. Now is the moment when all is in our power. Never before had a Government such sway over the destinies of a people. The old state of things has passed away, and the effects of those principles by which a new one is to be reared up, are as yet but feebly beginning to manifest their influence; our direct power is absolute and despotic—our indirect power is equally unbounded; we have the whole stock of favors and benefits in hand which it is possible for a Government to bestow; and we must dispense them with little address, if we do not fashion, by their means, the community into whatever form we please. Honors, emoluments, education, power, and emulation,—the abolition of intolerable evils—a participation in the blessings of life,—are not these a species of dominion unlimited in its effects among a population whose avidity for them is still entirely to satisfy? Yet a little while, and the operation of those active principles by which the social union is promoted, will have knit mankind together in some way or another, and cemented the discordant and unsettled elements of society into whatever form their accidental and conflicting affinities may happen to give them. Round the great landed proprietors, in all probability, will arise little barbarous communities, combining all the worst evils of the old Hindoo Government. The Zemindars, held in a state of miserable tutelage by their Bramins, uniting the power of property with the influence of the priesthood, will dispense what they consider

“The evidence lately adduced, exclusive of a multiplicity of other proofs,* establishes, beyond a question, the commission of robberies, murders, and the most atrocious deliberate cruelties: in a word, an aggregate of the most atrocious crimes; nor let it be supposed that these offences were of rare occurrence, or confined to particular districts; they were committed, with few exceptions, and with slight modifications of atrocity, in every part of Bengal.”—Dispatch from LORD MINTO, May 1810.

* Proofs and Evidence!!! Of what? that all Bengal was subject to the nightly infliction of such horrors! that no man could possibly retire to rest in security! no language can convey more strongly a true idea of the state of the Government. It is like the state of the head in the human body, where the rupture of the neck destroys the nervous communication with the rest of the frame, and leaves it unconscious of the violence which the system may sustain.

justice, and supersede the Government altogether, and distribute a power over the face of the country—irresistible, if it ever should be combined; a system of barbarous ignorance and priestcraft will be organised, jealous of the sources of its wealth and influence: and the Hindoo frame of society, whose *vis inertiae* has been so effectual a preventive to improvement, will be armed with active and substantial means for its own defence, and the perpetuation of its existence. The only bugbear in the way of the measures which must be adopted to prevent such evils, seems to be some absurd and vague idea—that by improving the people, or admitting them to any share in the administration of their own affairs, we should be laying the foundation of their future separation from this country; but can it be supposed, that a connexion between countries lying at the opposite extremities of the earth, can, in the nature of things, be perpetual; and is it to be assumed that we are at present free from such a danger? Supposing that any circumstance should ever induce the Sepoys to concert together to massacre their officers in one night throughout the country, our Indian empire would have vanished from our hands as if it had never been. What is the condition of things necessary to such a catastrophe? Some predisposing cause, producing universal disgust with the service—a means of secret communication—and some daring spirit, with a mind capacious enough to conceive the design, and address sufficient to manage the intrigue; and though nothing of this sort has as yet occurred, the concurrence of all these means is no way impossible, and, with the accumulated chances of years, every way probable. To objects of this kind, the views of the whole population for their emancipation are now confined; sources of discontent to a mercenary army, with so many prejudices to shock, will doubtless occur; and the travelling jogueés, and mendicant priests, who traverse India from one end to the other, supply a means of unsuspected intercourse, covered with the most impenetrable veil of secrecy.—If the country is lost in this way, we lose along with it the benefit of all further commercial intercourse. The exasperation of such a massacre would kindle implacable passions on both sides, and the vain efforts we should make to recover our power, would add the rancour of hatred to the jealousy naturally conceived against their former oppressors, and either produce the effect of preventing all communication with Europeans, or throw the people into close alliance with some other power. In the other case is it not reasonable to suppose, that Englishmen who had purchased lands, living among such an immense foreign population, must for ages feel that their security depended on the protection which this country afforded—that the natives whom we had raised to honors—that those who filled offices of trust and emolument under our

Government—that those who had in some measure adopted our habits, and looked forward to the patronage and favor of their rulers, would feel, that with us these advantages must stand or must fall—that in short, the larger the class, and the more deep the interests, actual and in prospect, that we involved in the same fate with our Government, the greater must be its chance of duration? The connexion of such an immense mass of various interests in one plot against us is next to impossible—the chance of combining any considerable part of them, without the knowledge of others by whom such a conspiracy would be revealed, would be infinitely diminished; and if in process of time we did lose the country, it would be strange if we left no party behind us by whose means a friendly intercourse might be renewed.

It may be supposed that I am recommending sudden and violent changes, or the formation of a Constitution for India; but I hope I have sufficiently guarded against such misapprehension. There is little faith to be put in theoretical frames of society at any time; and the state of mankind in India is at present too rigid and unyielding, to be accommodated, by any immediate effort, to another condition. But, however defective such schemes may be, it would not be difficult to devise something better than what has resulted from the incongruous mixture of heterogeneous parts, which circumstances have forced for the time to coalesce, were it possible, or desirable, to resort to such expedients. The only way is to dissolve (and that process of dissolution will be slow enough) those discordant attractions by which society is distorted, and allow it to assume of itself some natural and symmetrical form. The education of the people will be a much less rapid operation than could be wished. The acquisition of lands by Europeans, under the restrictions which it would be desirable to annex to it, would mingle the new class with the people very slowly; and we should have abundant time to watch the results produced on the community, and to accommodate our Government to the shape it was taking.¹ The important object is to put some active princi-

¹ Some steps might doubtless be taken to ameliorate the judicial system—too much pains cannot be taken to sink the Hindoo and Mussulman law into disuse. If they are only got rid of, whatever displaces them may be improved in to something that is better. The introduction of *Juries* presents a natural remedy for the difficulties experienced by our Judges in the determination of the fact; and the idea is not new to the people; the *Panchaet*, among the Hindoos, is indeed an arbitration by jury, in daily use, without resorting to our courts at all; and from some of the most enlightened judicial servants in Bengal, with whom I have conversed on the subject, I have been informed, that some improvement of it might readily be incorporated with our system. Schools of jurisprudence (and of medicine) would be infinite benefits to the country, and might be more immediately carried into effect than the more general education of the people.

ple of amelioration in operation, along with those which are already beginning to influence society, which may grow up with their growth, and strengthen with their strength, and turn their influence to good. "It were good," says Lord Bacon, "that men, in their innovations, would follow the example of time itself, which indeed innovateth greatly, but quietly, and by degrees scarce to be perceived;" but the flood of time has rolled over this people, without producing any sensible impression; and what is necessary, is not vain; attempts to accommodate mankind to fanciful improvements, but to lay them open to the influence of this great innovating cause, and to allow time to do its office.

It is to be hoped that we shall at length awaken to the immense prospects which India holds out, and that there are men who may exert an influence on her destiny, who will take care, that amid the more importunate claims of mercantile expediency, and the short-sighted calculations of immediate return, the rights and the happiness of our native subjects shall not be forgotten. It is by improving the people alone, that we can derive from the possession of the country the commercial advantages which it is capable of yielding. The fact, that we are absolute masters of that country, "which has, in all ages of the world, conferred the pre-eminence, among mercantile nations, upon the State, into whose ports its commerce has flowed," and that its trade has dwindled, in our hands, to a mere process of remittance, from which it is questionable if any advantage be derived; is of itself presumptive evidence that there is something radically wrong in the management. I think that it may be shown that there are but two ways, in which any direct gain can be obtained from such a country as India. The one, (and incomparably the most profitable and the best,) by the fair returns of mercantile traffic, in an exchange of commodities equally beneficial to both; the other, by leaving the internal management of their own affairs entirely to the inhabitants, and the natural relations between the soil and capital, and capital and industry, undisturbed, and exacting from them a pecuniary tribute; and that, by collecting the rents of the country, and undertaking to perform the functions of Government for the people, and to save out of them a surplus revenue, we never can, by possibility, realise any thing, while the people have the power (as they must have) of fixing the price of grain, and consequently the wages of labor. The consequence results not from any deep design on the part of the people, but from that relation between the things themselves, by which such an equilibrium is insensibly adjusted.¹ The surplus, in

¹ The effect of a tax, calculated at ten-elevenths of the produce, levied directly from the laudholder, is a curse upon a country, "equivalent to the

point of fact, has always hitherto proved a mere delusion, and such it always will be.

inclemency of the seasons, and the sterility of the soil." It is, in fact, withdrawing ten-elevenths of the funds, which ought to support the gentry, and stimulate every subordinate description of industry; and the paltry sums, in which it is doled out to the people, as salaries by our Government, prevent its supplying in this way any little compensation which it might afford for its interference with the natural process for the accumulation of capital. Were it possible that a Government, under the immediate influence of commercial interests, could be supposed to look forward to those more remote advantages, which alone are to be hoped for from political measures, the Company would find it infinitely for their benefit to be less exacting in such a direct drain upon the sources of all prosperity, and to seek for other objects of taxation, interfering less with the active industry of the people. India possesses no mines of the precious metals, and the only means by which any benefit can be derived from a share in its wealth, by this country, must be, either by the exportation of the produce of industry, or the produce of the soil. Supposing that we could realise the whole ten-elevenths of rent, as what we call surplus revenue, it could not be exported as rude produce, nor any considerable part of it, from the counteracting effects of freight and want of demand. It is the produce of industry alone that can be carried away with any prospect of advantage; and to the extent to which it may be carried away with advantage, there is no limit. To obtain such a source of wealth, however, the people must be rendered industrious, and induced to apply their industry to objects valuable to us; and there is no way of doing this but by making their industry a source of benefit to themselves. The people possess the means of existence by cultivating the earth; and beyond this we cannot *compel* them to labor, unless we reduce them to the condition of slaves, and work them under the lash. The first great step that takes place in the subdivision of labor, is the separation of the free hands from the cultivators: but this separation will not take place without a motive. Every man will employ as much of his time in tillage as will raise the means of subsistence for himself and his family, and be idle for the rest. A retrograde process of this kind is rapidly going forward in India, and undoing what progress the people had made in civilisation. Even the obstinate prejudice of caste, and the artificial subdivision of labor, established by it in society, are yielding before its influence; and many weavers and other handicraft tribes, in order to exist, have been obliged to mix with their proper trades the cultivation of a portion of ground. It is needless to say, that these observations apply to the amount of the tax; my former observations on the same subject, to the relinquishment of the right in the soil to the people—a blessing of inestimable value. The same, or a larger amount, would have been taken equally directly from the soil in a much more pernicious way; and the exemption from the horrors of famine, and the security of possession as a source of happiness to the people, are benefits greater than any wealth could bestow. But, if we would govern the country, with a view to its prosperity, some temporary diminution of revenue should be submitted to, (if such diminution of revenue is necessary) in order to allow less destructive sources of taxation to arise. But, under the present form of Government, such views are not to be expected. The first measure of reform, affecting the governing power ought, certainly, to be an effectual separation between the mercantile and political interests, which it combines, whose union has been mutually destructive of each other's ends, from the moment that their alliance began.

If then we have found by actual experience that little or no benefit is derived from the present system, it is at least reasonable to try something else. Abandon for ever all further views of foreign wars; do away with your restrictions; improve and enlighten the people; stimulate their dormant wants and energies by the many means in your power, and in the mean time transfer to the country (by allowing Europeans to make the acquisition of land) a body of gentry possessing the same wants with yourselves, who must contribute powerfully to communicate them to others,—look with a friendly eye on the growing prosperity of neighboring states,—show a sincere desire to promote their welfare and civilisation, “*et per ingens beneficium perpetuam firmare pacem amicitiamque*,”¹ and the result of such a policy will soon be manifest. India will become once more a great commercial country, and you may push the ramifications of your traffic from her into the remotest regions of the East.² If, as it is reasonable to suppose, a connexion between countries so remote cannot, in the nature of things, be perpetual, we shall in this manner render it as lasting as possible, and ensure, when it ceases, the reversion of benefits perhaps no way inferior to those which it conferred, as a part of

Nor is such separation incompatible either with the continuance of the consequence, or the patronage, much less the profits, of the Company.

¹ Liv.

² The state of the countries in the neighborhood of India is not favorable to a very flourishing trade; and the existence of a trade with them, at all commensurate with the natural advantages they possess, must, in all probability, be consequent on the improvement which they may be destined to receive from India; but some trade is carried on in almost every direction in which a passable outlet exists from the country. An attempt was made (I think under the administration of the Marquis Wellesley) to establish a commercial intercourse, under the direction of the Company's Government, through Tartary with China. There is a caravan which comes from the confines of these countries to the great annual fair at Hurdwar, and at this place storehouses were erected, and a consignment of goods transmitted to them for sale, on the Company's account, from Calcutta. The foreign merchants arrived with assortments of goods calculated for the usual barter that took place; and, I believe, of all the Company's consignment, red woollen night-caps, such as are used by sailors, were the only very saleable commodity; and the attempt has never been renewed.—The experiment affords at least a striking illustration of the disadvantages under which a body, trading on an extensive capital, must endeavor to prosecute an incipient commerce of this sort. The successful management of such dealings belongs to a department of commerce of a very different kind,—to small hucksters and pedlars, who can accommodate their wares to the wants of their customers, and at once stimulate their avidity to acquire the objects of our industry, ascertain their wants, and the extent to which the demand may be carried. These subdivisions in the vocations of commerce, determined by the profits accruing to capitals of different extent, can never, it is plain, exist, but where there are few or no impediments to these various capitals finding their natural and proper employments.

the empire. As it is like oil floating on the surface of water, where no affinity exists; no union takes place, nor can any lasting mechanical incorporation of parts be effected; and, like oil, we might be skimmed off at any hour without disturbing the fluid below, or leaving a trace behind us that we had ever existed.

The changes that are taking place in the state of the world must contribute to press on our attention the necessity of an alteration in our Indian policy. The immense countries lying under a similar climate, and nearer to the great seat of consumption, who have asserted their independence, and who, with the free outlet which they afford to capital from Europe, must pour a large accession of tropical produce into the market of the world, will come in direct competition with India, the rude produce of which has been constantly becoming a larger and larger proportion of its exports. Our system has, by destroying the ancient gentry, extinguished the most important part of the home demand for those articles of whose value the labor constituted any considerable part, and many arts have already been lost, and others are fast disappearing. The improvements of machinery, in this country, at the same time have diminished the demand in Europe for many of their commodities that were formerly in request; and instead of the muslins and piece goods, &c. which formed, in the early periods of our commercial intercourse, the most valuable parts of an investment, we have been obliged to take quantities of indigo, of cotton, of sugar, of saltpetre, &c. to bring which to market little labor is required beyond what is necessary to produce them from the soil. It is only by setting free the energies of the people and of the country, and by affording every assistance to the versatile power with which capital and industry accommodate themselves to the changes in the state of the commercial world, that we can come out with success from the competition which must ensue.

Many of the impediments which have hitherto operated to retard the progress of the world, have been suddenly removed; and, if we would keep the place which we hold among the nations of the earth, we must give free scope to the immense resources which we possess. The most blind and the most prejudiced cannot now fail to perceive the gradual and certain process by which the improvement of the world is inevitably accomplishing, and the flow of that mighty current by which the generations of men are borne along, gathering strength and rapidity as it advances in its course, and subjecting to its influence the still or eddy waters that have heretofore been insensible to its power. New nations have risen up to take their share in the common concerns of mankind. The extension of wise, and liberal, and moderate

opinions, has been great. The power of man over the material universe is making daily and rapid advances; and the sciences, which in their infancy were cradled in the East, have found their way back in their maturity from the opposite direction of the globe, to dissolve the spell by which the minds of mankind are enchained. These events have already widely extended the active sphere of human affairs, and cannot fail to be the forerunners of still greater changes in the state of the world. Experience has sufficiently shown, that it is not the progress of these great causes by which the destiny of mankind is accomplished, that are the sources of violence, and the subversion of governments; but the weak and foolish attempts of those who will not accommodate themselves to their influence to stay and arrest them. The friends of order and of the welfare of the world will see in them only the manifestation of the ways of Providence to man; and, co-operating humbly in the great design of universal beneficence, endeavor, by removing the obstructions which impede their effect, to render their progress equable and safe. Such is the limit of the task allotted to man in the furtherance of his own improvement; and, as in the material world his power extends no further than to the means of moving bodies from one place to another, and bringing substances into contact whose agency on each other effects all the physical wonders that we see; so in the moral world, he can do no more than encourage or repress those active qualities of human nature from which government and science, the arts of life, and all rational religious belief, have emanated; and by which these blessings must be improved and upheld. The power to be thus exerted may appear to be but little; but it is, in fact, as infinite as the objects which the faculties of the human race are capable of effecting. The timely removal of the obstacles to the progress of a people, may anticipate by ages the period of their civilisation, —may supersede the necessity of long and violent struggles,—may emancipate the minds of many other nations, and add largely and rapidly to the general stock of benefits which mankind enjoy. That the result of the mighty and overruling principles by which the improvement of the world is brought about, is certain and infallible, independent of all voluntary aid from man, and in spite of all opposition, must be apparent to whoever will consider the silent and imperceptible manner in which they have forced their way;—subverting governments, and whole conditions of society wherever they have proved incompatible with their operation, while they transmitted the fruits of their knowledge and experience

¹ Ad opera nil aliud potest homo, quam ut corpora naturalia admoveat et amoveat; reliqua natura intus transigit. Bac. Nov. Org.

to some less objectionable constitution of mankind. It is the business of the wise and enlightened statesman to determine the laws by which these principles are regulated, and the ends to which they tend; and by accommodating his measures to their results, to link the greatness of his country with a process which must succeed.

Restrictions of every kind, wherever they exist, are to us a disadvantage;—they are a certain deduction from our prosperity. Give us but a free and open market for the produce of our industry, and we need fear no approach to our pre-eminence among mercantile nations; we possess a command of capital,—a commercial credit,—a manufacturing skill,—a knowledge of machinery,—a navy, such as never before existed;—a fund of advantages which, if rightly used, may enable us to keep possession of the market to as distant a period as the human eye can stretch into futurity. If then abandoning a system of colonial aggrandizement, which can no longer be pursued with advantage, we would build our greatness on the foundations which we ourselves may lay, and bend our endeavors to stretch our dominion over the wants of the universe, the attempt may now be made with every prospect of success. In this respect India holds out immense advantages; not only may she become a customer, to the extent of the wants of eighty millions of people, blessed with the most genial climate and the most prolific soil of the globe, but she may be made the centre of improvement to the surrounding countries, and the day-spring of a better science, and a purer religion, sent forth from her again to illuminate the eastern world.

If nations may be supposed to be the objects of the moral dispensations of Providence, and to be accountable for the use of the power which they possess, a heavy responsibility must attach to us for the fate we are to mark out for a people whose government we have usurped. I would intreat those who determine the measures applied to this portion of the empire to think of the importance, not only to the interests of this country, but to the future history of the earth, of the views which they adopt, and that it depends on them to confer on the world the greatest benefit it has ever received at the hands of man.—These are magnificent objects,—objects worthy the ambition of a nation; and if we would steadily pursue them, they are completely within our power; not, indeed, in the course of a lifetime; but those who would benefit the world, must be contented to sow what others are to reap, and to trust to the slow and safe innovation of time for maturing the harvest for which they have labored. But even in our own time we might hope to see the progress of improvement in India sensibly advanced, and every step that it makes is replete

with advantages. We might hope to see useful knowledge making its way among the rising generations—we might hope to see some more definite connexion established between the landed interest and our government—we might hope to see a body of European gentry transplanted to the country, creating at once active wants for our commodities, and rendering its capital available for the legitimate objects of commerce,—we might hope to see the native states convinced, by experience, of our pacific and friendly views, imitating our improvements, and valuing our alliance; and whatever may be the fate of our political connexion, we might hope to see the foundation laid of an imperishable influence over the country, in the indelible impression we had stamped on the people. “*Hæc nova sit ratio vincendi; ut liberalitate, et misericordia nos muniamus. Id quemadmodum fieri possit, nonnulla mihi in mentem veniunt, et multa reperiri possunt.—Sed de his rebus rogo vos ut cogitationem suscipiatis.*”¹

¹ Cæs. ad Bal. et Opp. Frag.

OUTLINES
OF THE PRINCIPAL EVENTS
IN
THE LIFE
OF
GENERAL LAFAYETTE.

FROM THE

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OUTLINES.

THE family of General Lafayette has long been distinguished in the history of France. As early as 1422, the Marshal de Lafayette defeated and killed the Duke of Clarence at Beaugé, and thus saved his country from falling entirely into the power of Henry Fifth, of England. Another of his ancestors, though not in the direct line, Madame de Lafayette, the intimate friend and correspondent of Madame de Sevigné, and one of the most brilliant ornaments of the court of Louis Fourteenth, was the first person who ever wrote a romance, relying for its success on domestic character, and thus became the founder of the most popular department in modern literature. His father fell in the battle of Münden, and therefore survived the birth of his son only two years. These, with many more memorials of his family, scattered through the different portions of French history for nearly five centuries, are titles to distinction, which it is particularly pleasant to recollect when they fall, as they now do, on one so singularly fitted to receive and increase them.

General Lafayette himself was born in Auvergne, in the south of France, on the 6th of September, 1757. When quite young, he was sent to the College of Du Plessis at Paris, where he received that classical education, of which, when recently at Cambridge, he twice gave remarkable proof in uncommonly happy quotations from Cicero, suited to circumstances that could not have been foreseen. Somewhat later, he was sent to Versailles, where the court constantly resided; and there his education was still further continued, and he was made, in common with most of the young noblemen, an officer in the army. When only between 16 and 17, he was married to the daughter of the Duke d'Ayen, son of the Duke de Noailles, and grandson to the great and good Chancellor d'Aguesseau; and thus his condition in life seemed to be assured to him among the most splendid and powerful in the empire. His fortune, which had been accumulating

during a long minority, was vast; his rank was with the first in Europe; his connexions brought him the support of the chief persons in France; and his individual character, the warm, open, and sincere manners which have distinguished him ever since, and given him such singular control over the minds of men, made him powerful in the confidence of society wherever he went. It seemed, indeed, as if life had nothing further to offer him, than he could surely obtain by walking in the path that was so bright before him.

It was at this period, however, that his thoughts and feelings were first turned towards these thirteen colonies, then in the darkest and most doubtful passage of their struggle for independence. He made himself acquainted with our agents at Paris, and learned from them the state of our affairs. Nothing could be less tempting to him, whether he sought military reputation or military instruction; for our army, at that moment retreating through New Jersey, and leaving its traces in blood from the naked and torn feet of the soldiery as it hastened onward, was in a state too humble to offer either. Our credit, too, in Europe was entirely gone, so that the commissioners, as they were called, without having any commission, to whom Lafayette still persisted in offering his services, were obliged, at last, to acknowledge that they could not even give him decent means for his conveyance. "Then," said he, "I shall purchase and fit out a vessel for myself." He did so. The vessel was prepared at Bordeaux, and sent round to one of the nearest ports in Spain, that it might be beyond the reach of the French government. In order more effectually to conceal his purposes, he made, just before his embarkation, a visit of a few weeks in England, the only time he was ever there, and was much sought in English society. On his return to France, he did not stop at all in the capital, even to see his own family, but hastened with all speed and secrecy to make good his escape from the country. It was not until he was thus on his way to embark, that his romantic undertaking began to be known.

The effect produced in the capital and at court by its publication, was greater than we should now, perhaps, imagine. Lord Stormont, the English ambassador, required the French ministry to dispatch an order for his arrest not only to Bordeaux, but to the French commanders on the West India station; a requisition with which the ministry readily complied, for they were, at that time, anxious to preserve a good understanding with England, and were seriously angry with a young man, who had thus put in jeopardy the relations of the two countries. In fact, at Passage, on the very borders of France and Spain, a *lettre de cachet* overtook him, and he was arrested and carried back to Bordeaux. There, of course, his enterprise was near being finally stopped;

but watching his opportunity, and assisted by one or two friends, he disguised himself as a courier, with his face blacked and false hair, and rode on, ordering post-horses for a carriage which he had caused to follow him at a suitable distance for this very purpose, and thus fairly passed the frontiers of the two kingdoms only three or four hours before his pursuers reached them. He soon arrived at the port, where his vessel was waiting for him. His family, however, still followed him with solicitations to return, which he never received; and the society of the court and capital, according to Madame du Deffand's account of it, was in no common state of excitement on the occasion.¹ Something of the same sort happened in London. "We talk chiefly," says Gibbon in a letter dated April 12, 1777, "of the Marquis de Lafayette, who was here a few weeks ago. He is about twenty; with a hundred and thirty thousand livres a year, the nephew of Noailles, who is ambassador here. He has bought the Duke of Kingston's yacht, [a mistake] and is gone to join the Americans. The court appear to be angry with him."

Immediately on arriving the second time at Passage, the wind being fair, he embarked. The usual course for French vessels attempting to trade with our colonies at that period, was to sail for the West Indies, and then coming up along our coast, enter where they could. But this course would have exposed Lafayette to the naval commanders of his own nation, and he had almost as much reason to dread them, as to dread British cruisers. When, therefore, they were outside of the Canary Islands, Lafayette required his captain to lay their course directly for the United States. The captain refused, alleging, that if they should be taken by a British force and carried into Halifax, the French government would never reclaim them, and they could hope for nothing but a slow death in a dungeon or a prison-ship. This was true, but Lafayette knew it before he made the requisition. He, therefore, insisted until the captain refused in the most positive manner. Lafayette then told him that the ship was his own private property,

¹ De tous les départs présents, celui qui est le plus singulier et le plus étonnant, c'est celui de M. de Lafayette. Il n'a pas vingt ans; il est parti ces jours-ci pour l'Amérique; il emmène avec lui huit ou dix de ses amis; il n'avait confié son projet qu'au Vicomte de Noailles, sous le plus grand secret; il a acheté un vaisseau, l'a équipé, et s'est embarqué à Bordeaux. Sitôt que ses parents en ont eu la nouvelle, ils ont fait courir après lui pour l'arrêter et le ramener; mais on est arrivé trop tard, il y avait trois heures qu'il était embarqué. C'est une folie, sans doute, mais qui ne le déshonore point, et qui au contraire marque du courage et du désir de la gloire. On le loue plus qu'on le blâme; mais sa femme, qu'il laisse grosse de quatre mois, son beau-père, sa belle-mère, et toute sa famille en sont fort affligés. *Lettre de Mad. du Deffand à H. Walpole, 31 Mars, 1777.*

that he had made his own arrangements concerning it, and that if he, the captain, would not sail directly for the United States, he should be put in irons, and his command given to the next officer. The captain, of course, submitted, and Lafayette gave him a bond for forty thousand francs, in case of any accident. They, therefore, now made sail directly for the southern portion of the United States, and arrived unmolested at Charleston, S. C. on the 25th of April, 1777.

The sensation produced by his appearance in this country was, of course, much greater than that produced in Europe by his departure. It still stands forth as one of the most prominent and important circumstances in our revolutionary contest; and, as has often been said by one who bore no small part in its trials and success, none but those who were then alive can believe what an impulse it gave to the hopes of a population almost disheartened by a long series of disasters. And well it might; for it taught us, that in the first rank of the first nobility in Europe, men could still be found who not only took an interest in our struggle, but were willing to share our sufferings; that our obscure and almost desperate contest for freedom in a remote quarter of the world, could yet find supporters among those who were the most natural and powerful allies of a splendid despotism; that we were the objects of a regard and interest throughout the world, which would add to our own resources sufficient strength to carry us safely through to final success.

Immediately after his arrival, Lafayette received the offer of a command in our army, but declined it. Indeed, during the whole of his service with us, he seemed desirous to show by his conduct that he had come only to render disinterested assistance to our cause. He began, therefore, by clothing and equipping a body of men at Charleston at his own expense; and then entered as a volunteer, without pay, into our service. He lived in the family of the Commander-in-chief, and won his full affection and confidence. He was appointed a Major-general in our service, by a vote of Congress, on the 31st of July, 1777, and in September of the same year was wounded at Brandywine. He was employed in 1778 in many parts of the country, as a Major-general, and as the head of a separate division, and after having received the thanks of Congress for his important services, embarked at Boston in January, 1779, for France, thinking he could assist us more effectually, for a time, in Europe than in America.

He arrived at Versailles, then the regular residence of the French court, on the 12th of February, and the same day had a long conference with Maurepas, the prime minister. He was not permitted to see the king; and in a letter written at court the

next day, we are told, that he received an order to visit none but his relations, as a form of censure for having left France without permission ; but this was an order that fell very lightly on him, for he was connected by birth or marriage with almost every body at court, and every body else thronged to see him at his own hotel. The treaty, which was concluded between America and France at just about the same period, was, by Lafayette's personal exertions, made effective in our favor. He labored unremittingly to induce his Government to send us a fleet and troops ; and it was not until he had gained this point, and ascertained that he should be speedily followed by Count Rochambeau, that he embarked to return. He reached the head-quarters of the army on the 11th of May 1780, and there confidentially communicated the important intelligence to the Commander-in-chief.

Immediately on his return from his furlough, he resumed his place in our service with the same disinterested zeal he had shown on his first arrival. He received the separate command of a body of infantry, consisting of about two thousand men, and clothed and equipped it partly at his own expense, rendering it by unwearied exertions, constant sacrifices, and wise discipline, the best corps in the army. What he did for us, while at the head of this division, is known to all who read the history of their country. His forced march to Virginia, in December 1780, raising two thousand guineas at Baltimore, on his own credit, to supply the pressing wants of his troops ; his rescue of Richmond, which but for his great exertions must have fallen into the enemy's hands ; his long trial of generalship with Cornwallis, who foolishly boasted in an intercepted letter, that "the boy could not escape him ;" and finally, the siege of York-town, the storming of the redoubt, and the surrender of the place in October, 1781, are proofs of talent as a military commander, and devotion to the welfare of these states, for which he never has been repaid, and, in some respects, never can be.

He was, however, desirous to make yet greater exertions in our favor, and announced his project of revisiting France for the purpose. Congress had already repeatedly acknowledged his merits and services in formal votes. They now acknowledged them more formally than ever by a resolution of November 23d, in which, besides all other expressions of approbation, they desire the foreign ministers of this government to confer with him in their negotiations concerning our affairs ; a mark of respect and deference, of which we know no other example.

In France a brilliant reputation had preceded him. The cause of America was already popular there ; and his exertions and sacrifices in it, which from the first had seemed so chivalrous and

romantic, now came reflected back on him in the strong light of popular enthusiasm. While he was in the United States for the first time, Voltaire made his remarkable visit to Paris, and having met Madame de Lafayette at the Hotel de Choiseuil, he made her a long harangue on the brilliant destinies that awaited her husband as a defender of the great cause of popular freedom; and ended by offering his homage to her on his knees.

Before his return too, the following beautiful verses, from the Gaston et Bayard of Belloy, had been often applauded, and their repetition sometimes called for, on the public theatre; and Madame Campan tells us, that she for a long time preserved them in the handwriting of the unfortunate Queen of Louis Sixteenth, who had transcribed them because they had thus been publicly appropriated to the popular favorite of the time.

Eh ! que fait sa jeunesse
Lorsque de l'âge mûr je lui vois la sagesse ?
Profond dans ses desseins, qu'il trace avec froideur,
C'est pour les accomplir, qu'il garde son ardeur.
Il sait défendre un camp et forcer des murailles,
Comme un jeune soldat désirant les batailles;
Comme un vieux général il sait les éviter.
Je me plais à le suivre et même à l'imiter.
J'admire sa prudence et j'aime son courage.
Avec ces deux vertus un guerrier n'a point d'âge.

Act. I. Sc. 4.¹

It is not remarkable, therefore, with such a state of feeling while he was still absent from the country, that, on his return, he was followed by crowds in the public streets wherever he went; and that in a journey he made to one of his estates in the south of France, the towns through which he passed received him with processions and civic honors; and that in the city of Orleans he was detained nearly a week by the festivities they had prepared for him.

He did not, however, forget our interests amidst the popular admiration with which he was surrounded. On the contrary, though the negotiations for a peace were advancing, he was constantly

¹ A similar circumstance happened, or rather in this second instance was prepared, at about the same time by Rochon de Chabannes, who introduced the following portrait of him into his *Amour François*, acted in 1780.

On est compté pour rien, quand on est inutile ;
L'oisiveté, monsieur, est une mort civile....
Voyez ce courtisan à peu près de votre âge ;
Il renonce aux douceurs d'un récent mariage,
Aux charmes de la cour, aux plaisirs de Paris,
La gloire seule échauffe, embrase ses esprits,
Il vole la chercher sur un autre hémisphère, etc.

The resemblance was, of course, immediately recognised, and the name of Lafayette, which at first was murmured doubtfully, was, at the conclusion, shouted throughout the theatre in a tumult of applause.

urging on the French government the policy of sending more troops to this country, as the surest means of bringing the war to a speedy and favorable termination. He at last succeeded; and Count d'Estaing was ordered to hold himself in readiness to sail for the United States, as soon as Lafayette should join him. When, therefore, he arrived at Cadiz, he found forty-nine ships and twenty thousand men ready to follow him, first for the conquest of Jamaica,¹ and then for our assistance; and they would have been on our coast early in the spring, if peace had not rendered further exertions unnecessary. This great event was first announced to Congress, by a letter from Lafayette, dated in the harbor of Cadiz, Feb. 5, 1783.

As soon as tranquillity was restored, Lafayette began to receive pressing invitations to visit the country whose cause he had so materially assisted. Washington, in particular, was extremely urgent; and yielding not only to these instances, but to an attachment to the United States, of which his whole life has given proof, he embarked again for our shores, and landed at New York on the 4th of August, 1784. His visit however was short. He went almost immediately to Mount Vernon, where he passed a few days in the family of which he was so long a cherished member, and then visiting Annapolis, Baltimore, Philadelphia, New York, Albany, and Boston, received every where with unmingled enthusiasm and delight, he re-embarked for France. But when he was thus about to leave the United States for the third, and, as it then seemed, the last time, Congress, in December 1784, appointed a solemn deputation, consisting for its greater dignity of one member from each state, with instructions to take leave of him on behalf of the whole country, and to assure him, "that these United States regard him with particular affection, and will not cease to feel an interest in whatever may concern his honor and prosperity, and that their best and kindest wishes will always attend him." It was at the same time resolved, that a letter be written to his Most Christian Majesty, expressive of the high sense which the United States in Congress assembled entertain of the zeal, talents, and meritorious services of the Marquis de Lafayette, and recommending him to the favor and patronage of his Majesty. We are not aware, that a more complete expression of dignified and respectful homage could have been offered to him.

During the year that followed the arrival of Lafayette in his own country, he found the minds of men more agitated on questions of

¹ When Count d'Estaing was one day in conference with Charles III. of Spain, on the arrangements for this expedition, the Count suggested to his Majesty the propriety of leaving Lafayette for a time as Governor of Jamaica, in the event of its subjugation; "God forbid!" said the king, alarmed, "he would immediately make a republic of it."

political right, than they had ever been before. He went, for a short time, in 1785, to Prussia, for the purpose of seeing the troops of Frederick Second, and was received with distinguished kindness and consideration by that remarkable monarch; at whose court, by a singular coincidence of circumstances, he frequently met with Lord Cornwallis, and several other of the officers who had fought against him in the campaign that ended at York-town. But the grave and perilous discussions that were then going on in France, soon called him back from Prussia. Into some of those discussions he entered at once; on others he waited; but on all his opinions were openly and freely known, and on all he preserved the most perfect consistency. He was for some time ineffectually employed with Malesherbes, the minister of Louis Sixteenth, in endeavoring to relieve the Protestants of France from political disabilities, and place them on the same footing with other subjects. He was the first Frenchman who raised his voice against the slave trade; and it is worth notice, that having devoted considerable sums of money to purchase slaves in one of the colonies, and educate them for emancipation, the faction, which in 1792 proscribed him as an enemy to freedom, sold these very slaves back to their original servitude. And finally, at about the same time, he attempted with our minister, Mr. Jefferson, to form a league of some of the European Powers against the Barbarous Pirates, which, if it had succeeded, would have done more for their suppression, than has been done by Sir Sidney Smith's Association, or is likely to follow Lord Exmouth's victories.

But while he was busied in the interests to which these discussions gave rise, the materials for great internal changes were collecting together at Paris from all parts of France; and in February 1787, the Assembly of the Notables was opened. Lafayette was, of course, a member, and the tone he held throughout its session contributed essentially to give a marked character to its deliberations. He proposed the suppression of the odious *lettres de cachet*, of which Mirabeau declared in the National Assembly, that seventeen had been issued against him before he was thirty years old; he proposed the enfranchisement of the Protestants, who, from the time of the abolition of the Edict of Nantz, had been suffering under more degrading disabilities than the Catholics now are in Ireland; and he proposed by a formal *motion*,—which was the first time that word was ever used in France, and marks an important step towards a regular deliberative assembly,—he made a *motion* for the convocation of Representatives of the people. "What," said the Count d'Artois, now Charles Tenth, who presided in the Assembly of the Notables, "do you ask for the States General?" "Yès," replied Lafayette, "and for something more and better."

an intimation, which, though it can be readily understood by all who have lived under a representative government, was hardly intelligible in France at that time.¹

Lafayette was, also, a prominent member of the States General, which met in 1789, and assumed the name of the National Assembly. He proposed in this body a Declaration of Rights not unlike our own, and it was under his influence, and while he was for this very purpose in the chair, that a decree was passed on the night of the 13th and 14th of July, at the moment the Bastille was falling before the cannon of the populace, which provided for the responsibility of ministers, and thus furnished one of the most important elements of a representative monarchy. Two days afterwards, he was appointed Commander-in-chief of the National Guards of Paris, and thus was placed at the head of what was intended to be made, when it should be carried into all the departments, the effective military power of the realm, and what, under his wise management, soon become such.

His great military command, and his still greater personal influence, now brought him constantly in contact with the court and the throne. His position, therefore, was extremely delicate and difficult, especially as the popular party in Paris, of which he was not so much the head as the idol, was already in a state of perilous excitement, and atrocious violences were beginning to be committed. The abhorrence of the queen was almost universal, and was excessive to a degree of which we can now have no just idea. The circumstance that the court lived at Versailles, sixteen miles from Paris, and that the session of the National Assembly was held there, was another source of jealousy, irritation, and hatred, on the part of the capital. The people of Paris, therefore, as a sign of opposition, had mounted their municipal cockade of blue and red, whose effects were already becoming alarming. Lafayette, who was anxious about the consequences of such a marked division, and who knew how important are small means of conciliation, added to it, on the 26th of July, the white of the Royal cockade, and as he placed it in his own hat, amidst the acclamations of the multitude, prophesied, that it "would go round the world;" a prediction, which is already more than half accomplished, since the tricolored cockade has been used for the ensign of emancipation in Spain, in Naples, in some parts of South America, and in Greece.

Still, however, the tendency of everything was to confusion and violence. The troubles of the times, too, rather than a positive want of the means of subsistence, had brought on a famine in

¹ No one rose to second this motion; and yet, only two years afterwards, the States General were convoked in obedience to the unanimous call of the nation; so clearly had Lafayette foreseen, what was foreseen by nobody else.

the capital ; and the populace of the Fauxbourgs, the most degraded certainly in France, having assembled and armed themselves, determined to go to Versailles ; the greater part with a blind desire for vengeance on the royal family, but others only with the purpose of bringing the king from Versailles, and forcing him to reside in the more ancient but scarcely habitable palace of the Thuilleries, in the midst of Paris. The National Guards clamored to accompany this savage multitude ; Lafayette opposed their inclination ; the municipality of Paris hesitated, but supported it ; he resisted nearly the whole of the 5th of October, while the road to Versailles was already thronged with an exasperated mob of above a hundred thousand ferocious men and women, until, at last, finding the multitude were armed and even had cannon, he asked and received an order to march from the competent authority, and set off at four o'clock in the afternoon, as one going to a post of imminent danger, which it had clearly become his duty to occupy.

He arrived at Versailles at ten o'clock at night, after having been on horseback from before day-light in the morning, and having made, during the whole interval, both at Paris and on the road, incredible exertions to control the multitude and calm the soldiers. "The Marquis de Lafayette at last entered the château," says Madame de Staël, "and passing through the apartment where we were, went to the king. We all pressed round him, as if he were the master of events, and yet the popular party was already more powerful than its chief, and principles were yielding to factions, or rather were beginning to serve only as their pretext. M. de Lafayette's manner was perfectly calm ; nobody ever saw it otherwise ; but his delicacy suffered from the importance of the part he was called to act. He asked for the interior posts of the château, in order that he might insure their safety. Only the outer posts were granted to him." This refusal was not disrespectful to him who made the request. It was given, simply because the etiquette of the court reserved the guard of the royal person and family to another body of men. Lafayette, therefore, answered for the National Guards, and for the posts committed to them ; but he could answer for no more ;¹ and his pledge was faithfully and desperately redeemed.

Between two and three o'clock, the queen and the royal family went to bed. Lafayette, too, slept after the great fatigues of this fearful day. At half past four, a portion of the populace made their

¹ So completely were all persons unsuspecting of any immediate danger, that the guards of the interior posts were nowhere increased ; and not the slightest change was made in the customary arrangements, except what was made at the solicitation of Lafayette.

way into the palace by an obscure, interior passage, which had been overlooked, and which was not in that part of the château intrusted to Lafayette. They were evidently led by persons who well knew the secret avenues. Mirabeau's name was afterwards strangely compromised in it, and the form of the infamous Duke of Orleans was repeatedly recognised on the great staircase, pointing the assassins the way to the queen's chamber. They easily found it. Two of her guards were cut down in an instant; and she made her escape almost naked. Lafayette immediately rushed in with the national troops, protected the guards from the brutal populace, and saved the lives of the royal family, which had so nearly been sacrificed to the etiquette of the monarchy.

The day dawned as this fearful scene of guilt and bloodshed was passing in the magnificent palace, whose construction had exhausted the revenues of Louis Fourteenth, and which, for a century, had been the most splendid residence in Europe. As soon as it was light, the same furious multitude filled the vast space, which, from the rich materials of which it is formed, passes under the name of the court of marble. They called on the king, in tones not to be mistaken, to go to Paris; and they called for the queen, who had but just escaped from their daggers, to come out on the balcony. The king, after a short consultation with his ministers, announced his intention to set out for the capital; but Lafayette was afraid to trust the queen in the midst of the blood-thirsty multitude. He went to her, therefore, with respectful hesitation, and asked her if it were her purpose to accompany the king to Paris. "Yes," she replied, "although I am aware of the danger." "Are you positively determined?" "Yes, sir." "Condescend, then, to go out on the balcony, and suffer me to attend you." "Without the king?"—she replied, hesitating—"Have you observed the threats?" "Yes, Madam, I have; but dare to trust me." He led her out on the balcony. It was a moment of great responsibility and great delicacy; but nothing, he felt assured, could be so dangerous as to permit her to set out for Paris, surrounded by that multitude, unless its feelings could be changed. The agitation, the tumult, the cries of the crowd, rendered it impossible that his voice should be heard. It was necessary, therefore, to address himself to the eye, and turning towards the queen with that admirable presence of mind which never yet forsook him, and with that mingled grace and dignity which were the peculiar inheritance of the ancient court of France, he simply kissed her hand before the vast multitude. An instant of silent astonishment followed, but the whole was immediately interpreted, and the air was rent with cries of "Long live the queen!" "Long live the general!" from the same fickle and cruel populace, that only two hours before had imbrued their

hands in the blood of the guards, who defended the life of this same queen.

The same day that this scene was passing, the first meeting of the Jacobin club was held. Against this club and its projects Lafayette at once declared himself. With Bailly, the mayor of Paris, he organised an opposing club, and the victory between the two parties was doubtful for above a year and a half. The contest, however, which was produced by this state of things, placed Lafayette in a very embarrassing and dangerous position. He was obliged to oppose the unprincipled purposes of the Jacobins, without retreating towards the principles of the ancient despotism; and it is greatly to his honor, that he did it most faithfully and consistently. When therefore, on the 20th of June 1790, a proposition was suddenly made in the Assembly to abolish all titles of nobility, Lafayette, true to his principles, rose to second it. A short discussion followed. It was objected to the abolition of rank, that, if there were no titles, no such reward could be conferred as was once conferred by Henry Second, when he created an obscure person, according to the terms of his patent, "noble and count, for having saved the country at such a time." "The only difference," replied Lafayette, "will be, that the words noble and count will be left out, and the patent will simply declare, that on such an occasion, such a man saved the state." From this time Lafayette renounced the title of Marquis, and has never since resumed it. Since the restoration of the Bourbons indeed, and the revival of the ancient nobility, there has been sometimes an affectation among the Ultra-Royalists of calling him by his former title; but he has never recognised it, and is still known in France only by the address of General. At least, if he is sometimes called otherwise there, it is not by his friends.

At length the Constitution of a representative Monarchy, much more popular than that of Great Britain, which Lafayette's exertions had, from the first opening of the Assembly, been consistently devoted to establish, was prepared; and all were desirous that it should be received and recognised by the nation in the most solemn manner. The day chosen, as most appropriate for the ceremony, was the 14th of July, 1790, the anniversary of the destruction of the Bastille; and the open space behind the military school, called the Champ de Mars, from the Campus Martius of the Romans, was the place fixed on for this great national festival and solemnity. By the constant labor of above two hundred thousand persons of both sexes and all ranks, from dukes and duchesses, bishops and deputies, down to the humblest artisans, who all made the occasion like the Saturnalia of the ancients, an amphitheatre of earth four miles in circumference was raised in a few weeks, whose sides

were formed of seats destined to receive the French people, and amidst which stood the Throne and the Altar. On the morning of the day when the whole was to be consummated, the king, the court, the clergy, the National Assembly, a deputation of the military from the eighty-three departments, and a body of people amounting to above four hundred thousand souls were assembled in this magnificent amphitheatre. Mass was first said, and then Lafayette, who that day had the military command of four millions of men, represented by 14,000 elected military deputies, and who held in his hands the power of the monarchy, swore to the Constitution on behalf of the nation, at the altar which had been erected in the midst of the arena. Every eye of that immense mass was turned on him; every hand was raised to join the oath he uttered. It was, no doubt, one of the most magnificent and solemn ceremonies the world ever saw; and, perhaps, no man ever enjoyed the sincere confidence of an entire people more completely than Lafayette did, as he thus bore the most imposing part in these extraordinary solemnities.

The Champ de Mars, however, as Madame de Staël has well observed, was the last movement of a genuine national enthusiasm in France. The Jacobins were constantly gaining power, and the revolution was falling more and more into the hands of the populace. When the king wished to go to St. Cloud with his family, in order to pass through the duties of Easter, under the ministration of a priest who had not taken certain civil oaths, which in the eyes of many conscientious Catholics desecrated those who received them, the populace and the national guards tumultuously stopped his carriage. Lafayette arrived, at the first suggestion of danger. "If," said he, "this be a matter of conscience with your majesty, we will, if it is necessary, die to maintain it;" and he offered immediately to open a passage by force; but the king hesitated at first, and finally determined to remain in Paris.

Lafayette, indeed, under all circumstances, remained strictly faithful to his oaths; and now defended the freedom of the king, as sincerely as he had ever defended the freedom of the people. His situation, therefore, became every day more dangerous. He might have taken great power to himself, and so have been safe. He might have received the sword of Constable of France, which was worn by the Montmorencies, but he declined it; or he might have been Generalissimo of the National Guards, who owed their existence to him; but he thought it more for the safety of the state that no such power should exist. Having, therefore, organized this last body, according to the project he had originally formed for it, he resigned all command at the dissolution of the

Constituent Assembly, with a disinterestedness of which, perhaps, Washington alone could have been his example; and retired to his estate in the country, followed, as he had been for many years, by crowds wherever he went, and accompanied on his way by every form of popular enthusiasm and admiration.

From the tranquillity to which he now gladly turned, he was soon called by the war with Austria, declared April 20th, 1792, and in which he was, at once, appointed one of the three Generals to command the French armies. His labors, in the beginning of this war, whose declaration he did not approve, were very severe; and the obstacles he surmounted, some of which were purposely thrown in his way by the factions of the capital, were grave and alarming. But the Jacobins at Paris were now a well-organised body, and were fast maturing their arrangements to overturn the Constitution. Violences of almost every degree of atrocity were become common, and that public order of which Lafayette had never ceased to speak on all suitable occasions, no longer existed. Under these circumstances he felt that his silence would be an abandonment of the principles to the support of which he had devoted his life; and with a courage which few men in any age have been able to show, and with a temperance which has always kept his conduct on one even line, he wrote a letter to the National Assembly, dated June 16th, in which he plainly denounced the growing faction of Jacobins, and called on the constituted authorities to put a stop to the atrocities this faction was openly promoting. In the course of this letter he dared to say, "Let the royal authority be untouched, for it is guaranteed by the constitution; let it be independent, for its independence is one of the springs of our liberty; let the king be respected, for he is invested with the majesty of the nation; let him choose a ministry that shall wear the chains of no faction; and if traitors exist, let them perish only under the sword of the law." There was not another man in France who would have dared to take such a step at such a time; and it required all Lafayette's vast influence to warrant him in expressing such opinions and feelings, or to protect him afterwards.

At first the Jacobins seemed to shrink from a contest with him. He had said to the assembly, "Let the reign of clubs, abolished by you, give place to the reign of the law;" and they almost doubted whether he had not yet power enough to effect what he coun-

¹ It is a singular fact, that in all Lafayette's speeches and addresses between 1787 and 1792, he hardly once mentions *Freedom*, without coupling it with some intimation or injunction to respect and support *Public Order*. Since that time, the two phrases have been generally united; but they have not always meant as much as they did when used by Lafayette.

selling. They began, therefore, as soon as the letter had been read, by denying its authenticity; they declared it, in short, to be a forgery. As soon as Lafayette heard of this, he came to Paris, and avowed it at the bar of the Assembly. The 20th of June, however, had overthrown the Constitution before his arrival; and, though he stood with an air of calm command amidst its ruins, and vindicated it as proudly as ever, he was, after all, surrounded by those who had triumphed over it. Still the majority of the Assembly was decidedly with him, and when on the 8th of August his impeachment was moved, more than two-thirds voted in his favor. But things were daily growing worse. On the 9th of August, the Assembly declared itself no longer free; and within two days, its number fell to less than one-third, and the capital was given up to the terrors of the 10th of August. Lafayette, therefore, could do nothing at Paris, and returned to his army on the borders of the low countries. But the army, too, was now infected. He endeavored to assure himself of its fidelity, and proposed to the soldiers to swear anew to the Constitution. A very large proportion refused, and it immediately became apparent, from the movements, both at Paris and in the army, that he was no longer safe. His adversaries, who for his letter were determined and interested to ruin him, were his judges; and they belonged to a party, which was never known to devote a victim without consummating the sacrifice. On the 17th of August, therefore, accompanied by three of his general officers, Alexandre Lameth, Latour Maubourg, and Bureaux de Puzy, he left the army, and in a few hours was beyond the limits of France. His general purpose was to reach the neutral territory of the republic of Holland, which was quite near; and from that point either rally the old constitutional party, or pass to Switzerland or the United States, where he should be joined by his family. That he did not leave France, while any hope remained for him, is certain; since, before his escape was known at Paris, a decree, accusing him of high treason, which was then equivalent to an order for his execution, was carried in what remained of the Assembly by a large majority.

Lafayette and his companions hoped to avoid the enemy's posts, but they did not succeed. They were seized the same night by an Austrian patrol, and soon afterwards recognised. They were not treated as prisoners of war, which was the only quality in which they could have been arrested and detained; but were exposed to disgraceful indignities, because they had been the friends of the Constitution. After being detained a short time by the Austrians, they were given up to the Prussians, who, because their fortresses were nearer, were supposed to be able to receive and guard them more conveniently. At first, they were confined at Wesel on the

Rhine, and afterwards in dungeons at Magdeburg. But the Prussians, at last, became unwilling to bear the odium of such unlawful and disgraceful treatment of prisoners of war, entitled to every degree of respect from their rank and character, and especially from the manner in which they had been taken. They, therefore, before they made peace, gave them up again to the Austrians, who finally transferred them to most unhealthy dungeons in the citadel of Olmütz. The sufferings to which Lafayette was here exposed, in the mere spirit of a barbarous revenge, are almost incredible. He was warned, "that he would never again see any thing but the four walls of his dungeon; that he would never receive news of events or persons; that his name would be unknown in the citadel, and that in all accounts of him sent to court, he would be designated only by a number; that he would never receive any notice of his family, or of the existence of his fellow-prisoners." At the same time, knives and forks were removed from him, as he was officially informed that his situation was one which would naturally lead him to suicide.¹

His sufferings, indeed, proved almost beyond his strength. The want of air, and the loathsome dampness and filth of his dungeon, brought him more than once to the borders of the grave. His frame was wasted with diseases, of which, for a long period, not the slightest notice was taken; and on one occasion he was reduced so low, that his hair fell from him entirely by the excess of his sufferings. At the same time, his estates in France were confiscated, his wife cast into prison, and *Fayettisme*, as adherence to the Constitution was called, was punished with death.

His friends, however, all over Europe, were carefully watching every opportunity to obtain some intelligence which should, at least, render his existence certain. Among those who made the most vigorous and continued exertions to get some hint of his fate, was Count Lally Tolendal, then a refugee from his blood-stained country. This nobleman became acquainted in London with Dr. Erick Bollmann, a Hanoverian, who, immediately after the massacres of August 10th, 1792, had been employed by Madame de Staël to effect the escape of Count Narbonne, and, by great address and courage, had succeeded in conveying him safely to England. Dr. Bollmann's adventurous spirit easily led him to engage in the affairs of Lafayette. His first expedition to the continent, under the direction of Lafayette's friends in London, in

¹ One principal reason of the vindictive spirit of the Austrian Government towards Lafayette is, no doubt, to be sought in the circumstance, that, as the leader of the early part of the French Revolution, he brought on those events, which led to the overthrow of the Monarchy, and the death of the Queen, who was an Austrian. Lameth was released by Prussia, at the intreaty of his family, after the transfer of the three other prisoners to Austria.

1793, was, however, no further successful, than that he learned the determination of the Prussian Government to give up Lafayette to Austria, and the probability that he had been already transferred. Where he was, and whether he were even alive, were circumstances Dr. Bollmann found it impossible to determine.

But the friends of Lafayette were not discouraged. In June 1794, they again sent Dr. Bollmann to Germany to ascertain what had been his fate, and if he were still alive, to endeavor to procure his escape. With great difficulty, he traced the French prisoners to the Prussian frontiers, and there ascertained, that an Austrian escort had received them, and taken the road to Olmütz, a strong fortress in Moravia, one hundred and fifty miles north of Vienna, and near the borders of Silesia. At Olmütz, Dr. Bollmann ascertained, that several state prisoners were kept in the citadel with a degree of caution and mystery, which must have been not unlike that used towards the half fabulous personage in the iron mask. He did not doubt but Lafayette was one of them, and making himself professionally acquainted with the military surgeon of the post, soon became sure of it. By very ingenious means, Dr. Bollmann contrived to communicate his projects through this surgeon to Lafayette, and to obtain answers without exciting the surgeon's suspicions; until, at last, after the lapse of several months, during which, to avoid all risk, Dr. Bollmann made a long visit at Vienna, it was determined, that an attempt should be made to rescue Lafayette, while on one of the airings, with which he was then regularly indulged on account of his broken health.

As soon as this was arranged, Dr. Bollmann returned to Vienna, and communicated his project to a young American, by the name of Francis K. Huger, then accidentally in Austria; son of the person at whose house, near Charleston, Lafayette had been first received on his landing in America; a young man of uncommon talent, decision, and enthusiasm, who at once entered into the whole design, and devoted himself to its execution with the most romantic earnestness. These were the only two persons on the continent, except Lafayette himself, who had the slightest suspicion of these arrangements for his rescue, and neither of these persons knew him by sight. It was therefore concerted between the parties, after the two friends had come to Olmütz in November, that, to avoid all mistakes when the rescue should be attempted, each should take off his hat and wipe his forehead, in sign of recognition; and then, having ascertained a day when Lafayette would ride out, Dr. Bollmann and Mr. Huger sent their carriage ahead to Hoff, a post town about twenty-five miles on the road they wished to take, with directions to have it waiting for them at a given hour. The rescue they determined to attempt on horseback; and they put no balls into their pistols, and took no other

weapons, thinking it would be unjustifiable to commit a murder even to effect their purpose.

Having ascertained that a carriage which they supposed must contain Lafayette, since there was a prisoner and an officer inside and a guard behind, had passed out of the gate of the fortress, they mounted and followed. They rode by it, and then slackening their pace and allowing it again to go ahead, exchanged signals with the prisoner. At two or three miles from the gate, the carriage left the high road, and passing into a less frequented track in the midst of an open country, Lafayette descended to walk for exercise, guarded only by the officer who had been riding with him. This was evidently the moment for their attempt. They therefore rode up at once; and after an inconsiderable struggle with the officer, from whom the guard fled to alarm the citadel, the rescue was completed. One of the horses, however, had escaped during the contest, and thus only one remained with which to proceed. Lafayette was immediately mounted on this horse, and Mr. Huger told him, in English, to go to Hoff. He mistook what was said to him for a mere general direction to go *off*—delayed a moment to see if he could not assist them—then went on—then rode back again, and asked once more if he could be of no service—and finally, urged anew, galloped slowly away.

The horse that had escaped was soon recovered, and both Dr. Bollmann and Mr. Huger mounted him, intending to follow and assist Lafayette. But the animal proved intractable, threw them, and left them, for some time, stunned by their fall. On recovering their horse a second time, Dr. Bollmann alone mounted; Mr. Huger thinking that, from his own imperfect knowledge of the German, he could not do as much towards effecting their main purpose. These accidents defeated their romantic enterprise. Mr. Huger, who could now attempt his escape only on foot, was soon stopped by some peasants, who had witnessed what had passed. Dr. Bollmann easily arrived at Hoff; but not finding Lafayette there, lingered about the frontiers till the next night, when he too was arrested and delivered up to the Austrians. And finally, Lafayette, having taken a wrong road, and pursued it till his horse could proceed no further, was stopped at the village of Jägersdorff as a suspicious person, and detained there till he was recognised by an officer from Olmütz, two days afterwards. All three of them were brought back to the citadel separately, and were there separately confined without being permitted to know any thing of each other's fate. Mr. Huger was chained to the floor, in a small arched dungeon, about six feet by eight, without

¹ This was the horse prepared for Lafayette: The other, on which it had been necessary to mount him, had been expressly trained to carry two persons.

light, and with only bread and water for food; and once in six hours, by day and by night, the guard entered, and with a lamp examined each brick in his cell, and each link in his chain. To his earnest request to know something of Dr. Bollmann, and to learn whether Lafayette had escaped, he received no answer at all. To his more earnest request to be permitted to send to his mother in America merely the words, "I am alive," signed with his name, he received a rude refusal. Indeed, at first, every degree of brutal severity was practised towards both of them; but, afterwards, this severity was relaxed. The two prisoners were placed nearer together, where they could communicate; and their trial for what, in Vienna, was magnified into a wide and alarming conspiracy, was begun with all the tedious formalities that could be prescribed by Austrian fear and caution. How it would have turned, if they had been left entirely unprotected, it is not difficult to conjecture; but at this crisis of their fate, they were secretly assisted by Count Metrowsky, a nobleman living near their prison, whom neither of them had ever seen, and who was interested in them, only for what, in the eyes of his government, constituted their crime. The means he used to influence the tribunal that judged them may be easily imagined, since they were so far successful, that the prisoners, after having been confined for trial eight months, were sentenced only to a fortnight's imprisonment as their punishment, and then released. A few hours after they had left Olmütz, an order came from Vienna directing a new trial, which under the management of the ministers would of course have ended very differently from the one managed by Count Metrowsky; but the prisoners were already beyond the limits of the Austrian dominions.

Lafayette, in the meanwhile, was thrown back into his obscure and ignominious sufferings, with hardly a hope that they could be terminated, except by his death. During the winter of 1794-5, he was reduced to almost the last extremity by a violent fever; and yet was deprived of proper attendance, of air, of suitable food, and of decent clothes. To increase his misery, he was made to believe that he was only reserved for a public execution, and that his chivalrous deliverers would perish on the scaffold before his window; while, at the same time, he was not permitted to know whether his family were still alive, or had fallen under the revolutionary axe, of which, during the few days he was out of his dungeon, he had heard such appalling accounts.

Madame de Lafayette, however, was nearer to him than he could imagine to be possible. She had been released from prison, where she, too, had nearly perished;¹ and, having gained strength

¹ Her grandmother, the Duchess de Noailles, her mother, the Duchess d'Ayen, and her sister, the Countess de Noailles, all perished in one day on

sufficient for the undertaking, and sent her eldest son for safety to the care of General Washington, she set out, accompanied by her two young daughters, for Germany, all in disguise, and with American passports. They were landed at Altona, and, proceeding immediately to Vienna, obtained an audience of the Emperor, who refused to liberate Lafayette, but, as it now seems probable, against the intentions of his ministers gave them permission to join him in his prison. They went instantly to Olmütz; but before they could enter, they were deprived of whatever they had brought with them to alleviate the miseries of a dungeon, and required, if they should pass its threshold, never again to leave it. Madame de Lafayette's health soon sunk under the complicated sufferings and privations of her loathsome imprisonment, and she wrote to Vienna for permission to pass a week in the capital, to breathe purer air and obtain medical assistance. Two months elapsed before any answer was returned; and then she was told, that no objection would be made to her leaving her husband; but that, if she should do so, she must never return to him. She immediately and formally signed her consent and determination "to share his captivity in all its details;" and never afterwards made an effort to leave him. Madame de Staël has well observed, when on this point of the history of the French Revolution;—"antiquity offers nothing more admirable, than the conduct of General Lafayette, his wife, and his daughters, in the prison of Olmütz."

One more attempt was made to effect the liberation of Lafayette, and it was made in the place and in the way that might have been expected. When the Emperor of Austria refused the liberty of her husband to Madame de Lafayette, he told her that "his hands were tied." In this remark, the Emperor could, of course, allude to no law or constitution of his empire, and therefore his hands could be tied only by engagements with his allies in the war against France. England was one of these allies, and General Fitzpatrick, in the House of Commons, made a motion for an inquiry into the case, in which he was supported by Colonel Tarlton, who had fought against Lafayette in Virginia. Afterwards, on the 16th of December 1796, General Fitzpatrick renewed his attempt more solemnly, and was supported in it by Wilberforce, by Sheridan, and by Fox, in one of his most powerful and happy speeches; but the motion was lost. One effect, however, unquestionably followed from it:—a solemn and vehement discussion on Lafayette's imprisonment, in which the Emperor of Austria found no apologist, had been held in the face of all Europe; and all Europe, of course, was informed of his sufferings, in the most solemn and authentic way.

the scaffold. The same scaffold was destined for Madame de Lafayette; and she was saved only by the death of Robespierre.

When, therefore, General Clarke was sent from Paris to join Bonaparte in Italy, and negotiate a peace with the Austrians, it was understood that he received orders from the Directory to stipulate for the deliverance of the prisoners in Olmütz, since it was impossible for France to consent to such an outrage on the rights of citizenship, as would be implied by their further detention. On opening the negotiation, an attempt was made on the part of Austria to compel Lafayette to receive his freedom on conditions prescribed to him; but this he distinctly refused; and, in a document that has often been published, declared with a firmness, which we can hardly believe would have survived such sufferings, that he would never accept his liberation in any way that should compromise his rights and duties, either as a Frenchman, or *as an American citizen*. Bonaparte often said, that of all the difficulties in this protracted negotiation with the Coalition, the greatest was the delivery of Lafayette. He was, however, at last released with his family on the 25th of August, 1797; Madame de Lafayette and her daughters having been confined twenty-two months, and Lafayette himself five years, in a disgraceful spirit of vulgar cruelty and revenge, of which modern history can afford, we trust, very few examples.*

* Madame de Lafayette never entirely recovered from it. Her constitution had been crushed by her sufferings; and though she lived ten years afterwards, she never had the health with which she entered the dungeon of Olmütz. She died, at last, at La Grange, in December 1807.

During Lafayette's imprisonment, our own government employed such means as were in its power for his release. The American ministers at the European Courts were instructed to use their exertions to this end; and when Washington found that no success was to be hoped from this quarter, he wrote a letter with his own hand to the Emperor of Austria, interceding in behalf of this early friend of American liberty. The letter is introduced in this place, as reflecting honor on the feelings and character of Washington, and as expressing sentiments not more deeply cherished by him, than by a whole nation.

"It will readily occur to your majesty, that occasions may sometimes exist, on which official considerations would constrain the chief of a nation to be silent and passive, in relation even to objects which affect his sensibility, and claim his interposition as a man. Finding myself precisely in this situation at present, I take the liberty of writing this private letter to your majesty, being persuaded that my motives will also be my apology for it.

"In common with the people of this country, I retain a strong and cordial sense of the services rendered to them by the Marquis de Lafayette; and my friendship for him has been constant and sincere. It is natural, therefore, that I should sympathise with him and his family in their misfortunes; and endeavor to mitigate the calamities they experience, among which his present confinement is not the least distressing.

"I forbear to enlarge on this delicate subject. Permit me only to submit to your majesty's consideration, whether his long imprisonment, and the confiscation of his estate, and the indigence and dispersion of his family, and the painful anxieties incident to all these circumstances, do not form an assemblage of sufferings which recommend him to the mediation of humanity? Allow me, Sir, on this occasion to be its organ, and to intreat

France was still too little settled to promise peace or safety to Lafayette and his family. They proceeded first to Hamburg; and then, after causing their rights both as French and American citizens to be formally recognised, went to the neighboring neutral territories of Holstein, where they lived in retirement and tranquillity about a year. There they were joined by their eldest son, who came to them from the family of General Washington; there, too, their eldest daughter was married to Latour Maubourg, brother of the person who had shared Lafayette's captivity; and there he first devoted himself with great earnestness to those agricultural pursuits, which have since constituted the occupation and the happiness of his life. From Holstein he went at the formal invitation of the Batavian republic, and established himself for several months at Utrecht in Holland, where he was treated with great consideration and kindness, and where he had the advantage of being nearest to the borders of his own country. While he was thus living tranquil and happy, but anxiously watching the progress of events in France, the revolution of the 18th Brumaire, November 10th, 1799, happened, and promised for a time to settle the government of his country on a safer foundation. He immediately returned to France, and established himself at La Grange; a fine old castle, surrounded by a moderate estate about forty miles from Paris, where he has lived ever since.

When, however, Bonaparte, to whom the revolution of the 18th Brumaire had given supreme control, began to frame his constitution and organise his government, Lafayette perceived, at once, that the principles of freedom would not be permanently respected. He had several interviews and political discussions with the Consul, and was much pressed to accept the place of Senator, with its accompanying revenues, in the new order of things; but he refused, determined not to involve himself in changes, which he already foresaw he should not approve. In 1802, Bonaparte asked to be made First Consul for life; Lafayette voted against it, entered his protest, and sent a letter to Bonaparte himself; and from this moment all intercourse between them ceased. Bonaparte even went so far as to refuse to promote Lafayette's eldest son, and his son-in-law Lasteyrie, though they distinguished themselves repeatedly in the army; and once, when a report of the services of the former in a bulletin was offered him, he erased it with impatience, saying, "These Lafayettes cross my path everywhere."

that he may be permitted to come to this country, on such conditions as your majesty may think it expedient to prescribe.

"As it is a maxim with me not to ask what, under similar circumstances, I would not grant, your majesty will do me the justice to believe, that this request appears to me to correspond with those great principles of magnanimity and wisdom, which form the basis of sound policy and durable glory."

Discouraged, therefore, in every way in which they could be of service to their country, the whole family was at last collected at La Grange, and lived there in the happiest retirement, so long as the despotism of Bonaparte lasted.

The restoration of the Bourbons in 1814 made no change in Lafayette's relations. He presented himself once at court, and was very kindly received; but the government they established was so different from the representative government which he had assisted to form, and sworn to support in 1789, that he did not again present himself at the palace. The Bourbons, by neglecting entirely to understand or conciliate the nation, at the end of a year brought back Bonaparte, who landed the 1st of March, 1815, and reached the capital on the 20th. His appearance in Paris was like a theatrical illusion, and his policy seemed to be to play all men, of all parties, like the characters of a great drama, around him. Immediately on his arrival on the soil of France, he endeavored to win the old friends of French freedom; and the same day that he made his irruption into the ancient palace of the Thuilleries, he appointed Carnot his minister of war, and Carnot was weak enough to accept the appointment with the title of Count. In a similar way, he endeavored to obtain the countenance and co-operation of Lafayette. Joseph Bonaparte, to whom Lafayette had been personally known, and for whom he entertained a personal regard, was employed by the Emperor to consult and conciliate him; but Lafayette would hold no communion with the new order of things. He even refused, though most pressingly solicited, to have an interview with the Emperor; and ended, when still further urged, by positively declaring, that he could never meet him, unless it should be as a representative freely chosen by the people.

On the 22d of April, Napoleon offered to the French nation his *Acte Additionel*, or an addition, as he chose to consider it, to the constitutions of 1799, 1802, and 1804; confirming thereby the principles of his former despotism, but establishing, among other things, an hereditary chamber of peers, and an elective chamber of representatives. This act was accepted, or pretended to be accepted, by the votes of the French people; but Lafayette entered his solemn protest against it, in the same spirit with which he had protested against the Consulship for life. The very college of Electors, however, who received his protest, unanimously chose him first to be their President, and afterwards to be their Representative; and the Emperor, determined to obtain his influence, or at least his silence, offered him the first peerage in the new chamber he was forming. Lafayette was as true to his principles, as he had often been before, under more difficult circumstances. He accepted the place of representative, and declined the peerage.

As a representative of the people he saw Bonaparte, for the first

time, at the opening of the chambers, on the 7th of June. "It is above twelve years since we have met, General," said Napoleon, with great kindness of manner, when he saw Lafayette; but Lafayette received the Emperor with marked distrust; and all his efforts were directed, as he then happily said they should be, "to make the chamber, of which he was a member, a representation of the French people, and not a Napoleon club." Of three candidates for the presidency of the chamber, on the first ballot, Lafayette and Lanjuinais had the highest number of votes; but finding that the Emperor had declared he would not accept Lanjuinais, if he should be chosen, Lafayette used great exertions and obtained a majority for him; to which circumstances compelled Napoleon to submit. From this moment, until after the battle of Waterloo, which happened in twelve days, Lafayette did not make himself prominent in the chamber. He voted for all judicious supplies, on the ground that France was invaded, and that it was the duty of all Frenchmen to defend their country; but he in no way implicated himself in Bonaparte's projects or fortunes, with which it was impossible that he could have any thing in common,

At last, on the 21st of June, Bonaparte arrived from Waterloo, a defeated and desperate man. He was already determined to dissolve the representative body, and, assuming the whole dictatorship of the country, play, at least, one deep and bloody game for power and success. Some of his council, and, among the rest, Regnault de St. Jean d'Angely, who were opposed to this violent measure, informed Lafayette, that it would be taken instantly, and that in two hours the chamber of representatives would cease to exist. There was, of course, not a moment left for consultation or advice; the Emperor, or the chamber, must fall that morning. As soon, therefore, as the session was opened, Lafayette, with the same clear courage and in the same spirit of self-devotion with which he had stood at the bar of the National Assembly in 1792, immediately ascended the tribune for the first time for twenty years, and said these few words, which assuredly would have been his death-warrant, if he had not been supported in them by the assembly he addressed; "When, after an interval of many years, I raise a voice which the friends of free institutions will still recognise, I feel myself called on to speak to you only of the dangers of the country, which you alone have now the power to save. Sinister intimations have been heard; they are unfortunately confirmed. This, therefore, is the moment for us to gather round the ancient tricolored standard; the standard of '89; the standard of freedom, of equal rights; and of public order. Permit then, gentlemen, a veteran in this sacred cause, one who has always been a stranger to the spirit of faction, to offer you a few preparatory resolutions, whose absolute necessity, I trust, you will feel, as I

do." These resolutions declared the chamber to be in permanent session, and all attempts to dissolve it high treason; and they also called for the four principal ministers to come to the chamber, and explain the state of affairs. Bonaparte is said to have been much agitated, when word was brought him simply that Lafayette was in the tribune; and his fears were certainly not ill-founded, for these resolutions, which were at once adopted both by the representatives and the peers, substantially divested him of his power, and left him merely a factious and dangerous individual in the midst of a distracted state.

He hesitated during the whole day, as to the course he should pursue; but, at last, hoping that the eloquence of Lucien, which had saved him on the 18th Brumaire, might be found no less effectual now, he sent him with the three other ministers to the chamber, just at the beginning of the evening; having first obtained a vote, that all should pass in secret session. It was certainly a most perilous crisis. Reports were abroad that the populace of the Fauxbourgs had been excited, and were arming themselves. It was believed, too, with no little probability, that Bonaparte would march against the chamber, as he had formerly marched against the council of Five Hundred, and disperse them at the point of the bayonet. At all events, it was a contest for existence, and no man could feel his life safe. At this moment, Lucien rose, and in the doubtful and gloomy light, which two vast torches shed through the hall and over the pale and anxious features of the members, made a partial exposition of the state of affairs, and the projects and hopes he still entertained. A deep and painful silence followed. At length Mr. Jay, well known above twenty years ago in Boston, under the assumed name of Renaud, as a teacher of the French language, and an able writer in one of the public newspapers of that city, ascended the tribune, and, in a long and vehement speech of great eloquence, exposed the dangers of the country, and ended by proposing to send a deputation to the Emperor, demanding his abdication. Lucien immediately followed. He never showed more power, or a more impassioned eloquence. His purpose was to prove that France was still devoted to the Emperor, and that its resources were still equal to a contest with the allies. "It is not Napoleon," he cried, "that is attacked, it is the French people. And a proposition is now made to this people to abandon their Emperor; to expose the French nation, before the tribunal of the world, to a severe judgment on its levity and inconstancy. No, sir, the honor of this nation shall never be so compromised!" On hearing these words, Lafayette rose. He did not go to the tribune; but spoke, contrary to rule and custom, from his place. His manner was perfectly calm, but marked with the very spirit of rebuke; and he addressed himself, not to the President, but directly

to Lucien. "The assertion, which has just been uttered, is a calumny. Who shall dare to accuse the French nation of inconstancy to the Emperor Napoleon? That nation has followed his bloody footsteps through the sands of Egypt and through the wastes of Russia; over fifty fields of battle; in disaster as faithfully as in victory; and it is for having thus devotedly followed him, that we now mourn the blood of three millions of Frenchmen." These few words made an impression on the Assembly, which could not be mistaken or resisted; and, as Lafayette ended, Lucien himself bowed respectfully to him, and, without resuming his speech, sat down.

It was determined to appoint a deputation of five members from each chamber to meet the grand council of the ministers, and deliberate in committee on the measures to be taken. This body sat during the night, under the presidency of Cambaceres, Arch-Chancellor of the empire. The first thing that was done in this committee was to devise and arrange every possible means of resisting the invasion of the allies and the Bourbons; and Lafayette was foremost in giving the Government, for this purpose, every thing that could be asked. But it was apparent, from the representations of the ministers themselves, that they could carry on the war no longer. Lafayette then moved that a deputation should be sent to Napoleon, demanding his abdication. The Arch-Chancellor refused to put the motion; but it was as much decided, as if it had been formally carried. The next morning, June 22d, the Emperor sent in his abdication, and Lafayette was on the committee that went to the Thuilleries to thank him for it, on behalf of the nation.

It had been the intention of a majority of both chambers, from the moment of their convocation, to form a free constitution for the country, and to call the whole people to arms to resist the invasion. In both of these great purposes they had been constantly opposed by Bonaparte, and in the few hurried and anxious days that preceded the battle of Waterloo, there had been time to do very little. There was now nothing but confusion. A project was arranged to place Lafayette at the head of affairs; because it was known that he could carry with him the confidence of the nation, and especially that of the National Guards, whom he would immediately have called out *en masse*. But a scene of most unworthy intrigues was immediately begun. A crude, provisional government was established, with the infamous Fouché as its President, which lasted only a few days, and whose principal measure was the sending of a deputation to the allied powers, of which Lafayette was the head, to endeavor to stop the invasion of France. This of course failed, as had been foreseen; Paris surrendered on the 3d of July, and what remained of the representative government, which Bonaparte had created for his own

purposes, but which Lafayette had turned against him, was soon afterwards dissolved. Its doors were found guarded on the morning of the 8th, but by what authority has never been known; and the members met at Lafayette's house, entered their formal protest, and went quietly to their own homes.

Lafayette retired immediately to La Grange, from which, in fact, he had been only a month absent, and resumed at once his agricultural employments. There, in the midst of a family of twenty children and grand-children, who all look up to him as their patriarchal chief, he lives in a simple and sincere happiness, rarely granted to those who have borne such a leading part in the troubles and sufferings of a great period of political revolution. Since 1817 he has been twice elected to the Chamber of Deputies, and in all his votes has shown himself constant to his ancient principles. When the ministry proposed to establish a censorship of the press, he resisted them in an able speech; but Lafayette was never a factious man, and therefore he has never made any further opposition to the present order of things in France, than his conscience and his official place required. That he does not approve the present constitution of the monarchy, or the political principles and management of the existing government, his votes as a deputy, and his whole life, plainly show; and that his steady and temperate opposition is matter of serious anxiety to the family now on the throne is apparent, from their conduct towards him during the last nine years, and their management of the public press since he has been in this country. If he chose to make himself a Tribune of the people, he might at any moment become formidable; but he trusts rather to the progress of general intelligence and political wisdom throughout the nation, which he feels sure will, at last, bring his country to the practically free government he has always been ready to sacrifice his life to purchase for it. To this great result he looks forward, as Madame de Staël has well said of him, with the entire confidence a pious man enjoys in a future life; but, when he feels anxious and impatient to hasten onward to it, he finds a wisdom tempered by long experience stirring within him, which warns him, in the beautiful language of Milton, that "they also serve who only stand and wait."

This is the distinguished personage, who, after an absence of eight-and-thirty years, is now come to visit the nation, for whose independence and freedom he hazarded whatever is most valued in human estimation, almost half a century ago. He comes, too, at the express invitation of the entire people; he is literally the "Guest of the Nation;" but the guest, it should be remembered, of another generation, than the one he originally came to serve. We rejoice at it. We rejoice, in common with the thousands who

throng his steps wherever he passes, that we are permitted to offer this tribute of a gratitude and veneration, which cannot be misinterpreted, to one, who suffered with our fathers for our sake; but we rejoice yet more for the moral effect it cannot fail to produce on us, both as individuals and as a people. For it is no common spectacle, which is now placed before *each of us* for our instruction. We are permitted to see one, who, by the mere force of principle, by plain and resolved integrity, has passed with perfect consistency through more remarkable extremes of fortune, than any man now alive; or, perhaps, any man on record. We are permitted to see one who has borne a leading and controlling part in two hemispheres, and in the two most important revolutions the world has yet seen, and has come forth from both of them without the touch of dishonor. We are permitted to see that man, who first put in jeopardy his rank and fortune at home, in order to serve as a volunteer in the cause of Free Institutions in America, and afterwards hazarded his life at the bar of the National Assembly, to arrest the same cause, when it was tending to excess and violence. We are permitted to see the man, who, after three years of unbroken political triumph, stood in the midst of half a million of his countrymen, comprehending whatever was great, wise, and powerful in the nation, with the *oriflamme* of the monarchy at his feet, and the confidence of all France following his words, as he swore on their behalf to a free constitution; and yet remained undazzled and unseduced by his vast, his irresistible popularity. We are permitted to see the man, who, for the sake of the same principles to which he had thus sworn, and in less than three years afterwards, was condemned to such obscure sufferings, that his very existence became doubtful to the world, and the place of his confinement was effectually hidden from the inquiries of his friends, who sent emissaries over half Europe to discover it; and yet remained unshaken and undismayed, constantly refusing all appearance of compromise with his persecutors and oppressors. We are, in short, permitted to see a man, who has professed, amidst glory and suffering, in triumph and in disgrace, the same principles of political freedom on both sides of the Atlantic; who has maintained the same tone, the same air, the same open confidence, amidst the ruins of the Bastille, in the Champ de Mars, under the despotism of Bonaparte, and in the dungeons of Olmütz.

We rejoice, too, no less in the effect which this visit of General Lafayette is producing on us *as a nation*. It is doing much to unite us. It has brought those together, who have been separated by long lives of political animosity. It helps to break down the great boundaries and landmarks of party. It makes a holiday of kind and generous feelings in the hearts of the multitudes that throng his way, as he moves in triumphal procession from city to

city. It turns this whole people from the bustle and divisions of our wearisome elections, the contests of the senate-house, and the troubles and bitterness of our manifold political dissensions; and instead of all this, carries us back to that great period in our history, about which opinions have long been tranquil and settled. It offers to us, as it were, with the very costume and air appropriate to the times, one of the great actors from this most solemn passage in our national destinies; and thus enables us to transmit yet one generation further onward, a sensible impression of the times of our fathers; since we are not only permitted to witness ourselves one of their foremost leaders and champions, but can show him to our children, and thus leave in their young hearts an impression which will grow old there with their deepest and purest feelings. It brings, in fact, our revolution nearer to us, with all the high-minded patriotism and self-denying virtues of our forefathers; and therefore naturally turns our thoughts more towards our posterity, and makes us more anxious to do for them what we are so sensibly reminded was done with such perilous sacrifices for us.

We may be allowed, too, to add, that we rejoice in General Lafayette's visit *on his own account*. He enjoys a singular distinction; for it is a strange thing in the providence of God, one that never happened before, and will, probably, never happen again, that an individual from a remote quarter of the world, having assisted to lay the foundation of a great nation, should be permitted thus to visit the posterity of those he served, and witness on a scale so vast, the work of his own sacrifices; the result of grand principles in government for which he contended before their practical effect had been tried; the growth and maturity of institutions, which he assisted to establish, when their operation could be calculated only by the widest and most clear-sighted circumspection. We rejoice in it, for it is, we doubt not, the most gratifying and appropriate reward that could be offered to a spirit like his. In the beautiful phrase which Tacitus has applied to Germanicus, *fruitur famâ*; for he must be aware, that the ocean which rolls between us and Europe, operates like the grave on all feelings of passion and party, and that the voice of gratitude and admiration which now rises to greet him, from every city, every village, and every heart of this wide land, is as pure and sincere as the voice of posterity.

SOME

R E M A R K S

ON THE

PRESENT STATE OF THE LAW,

ITS

ADMINISTRATION AND ABUSES.

"The Courts are open to every man."

"Yes, Sir, and so is the London Tavern."—SHERIDAN.

ORIGINAL.



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R E M A R K S,

&c. &c.

THE present moment is one of extreme interest. From an increasing commerce, and a flourishing state of our national concerns, the lapse of a few weeks has brought on such a state of distress, such an utter want of commercial confidence, as is said to have never before been known, even in the darkest and gloomiest moments of the late war, when "banded Europe stood our foe," and the hearts of the best friends of their country waxed faint.

It is not the object of the present writer to go into a discussion of the causes of this unfortunate change, or to add to the mass of speculations on the best mode of remedy, which are daily accumulating—and of which, if one who confesses himself no "Economist" may be allowed to judge by their contrariety, many must be at least as wild, as the "speculations" of another sort which are supposed to have had something to do with producing it. He merely wishes to take advantage of the present willingness of the nation to *enquire*, which unfortunately in moments of prosperity does not exist.

Our situation is in every point of view, novel: some of the surrounding nations have materially altered their institutions, and those which yet remain unchanged in form are very different in spirit: add to this, laws which for centuries have been considered the bulwarks of the national prosperity have been repealed—encouragements to our artificers, long thought necessary, have been taken away. How all this will eventuate—the increased activity of foreigners on one hand, our altered laws on the other, appears to be about as uncertain as the chemical phenomena to be produced by the mixture of matters, the composition of which should be very imperfectly known. One thing probably will be allowed by all parties, that as our race is to be run under new and untried circumstances, we should come to the conflict as unem-

barrassed as possible. We have been showing the world what we could do loaded with incumbrances—on which in its might the nation scarcely wasted a thought, and at the same time those with whom we struggled were bowed down. But things are changed—our competitors have been gradually bringing themselves into a situation in which little of advantage is left us, except that arising from the energy of the national character. This, it is true, is inestimable; but no energy can perform impossibilities. It never was perhaps more imperatively the bounden duty of every Englishman, without distinction of party, to join in removing every unnecessary obstruction to the industry and enterprise of the nation.

The administration of law within this realm has been for a number of years the subject of continually increasing complaint, principally, it is true, from those who were, or thought they were sufferers on its account. The law itself, notwithstanding its glorious uncertainty, has been much less the subject of animadversion. Men of information have been fully aware, that in the actual—and if the expression may be allowed, highly complicated situation of society, it is impossible that any written code of laws should embrace the novel and intricate combinations continually arising—and that conflicting arguments are often so nicely balanced, that no ordinary acuteness can readily discover where the preponderance ought to lie.

It may justly be assumed that the inconvenience suffered by those actually engaged in law-suits, great as it may be, is by no means equal to that produced by the operation of the present system on the nation at large. Trade is shackled in its remotest ramifications, by the difficulty and delay of effecting a legal adjustment of differences and disputes which must constantly arise; and then, the enormous expense, which may be as great in some cheese or butter bargain of a few pounds, as if an estate of tens of thousands were in dispute,—so that an individual often finds it his interest to abandon his just right, because even with a certainty of success, his expenses and waste of time would render that success in reality a loss. The demoralising effect of all this ought not to pass unnoticed. Many a petty debt is contracted, and much unfair conduct takes place, on the speculation that the sufferer will consult his interest, and keep out of a court of law. In criminal matters, the injury is perhaps even greater. After suffering from some petty robbery, to lose time, pay solicitor's fees, &c. not to mention the money which must be distributed among the footmen of justice; it is heaping injustice on misfortune. From hence may be traced much of the dishonesty among servants, which is increasing to an alarming extent, and more especially, where according to the view here taken it might be expected, among the

middling and lower classes of tradesmen, who cannot well afford to throw away the time and money necessary for prosecuting. Certainty of punishment, the surest preventive of crime, is removed, and the necessary consequences follow.

Another most oppressive branch of our legal system, though in fact it has well nigh become "law," is *conveyancing*, which is fixed like an incubus on almost every transaction. Of its mysteries, it is not presumed to speak. They are, except to the chosen few, inscrutable. The acute attorney, if attorney yet there be, the learned barrister, here alike avow their incompetence. Were not the subject rather too serious, the extreme absurdity of all this would be highly amusing. An individual who, to-morrow may be placed in a situation to decide on the lives and fortunes of the first and noblest of the realm, is not competent to make an every-day transfer of property. This abuse, to be sure, is rather more impartial in its attacks on the wealth and concerns of the nation. The premier peer in the contract for a manor, and the humble mechanic in the lease for his little workshop, are equally in the hands of the masters of this black *art*—and their children may discover that the conjuring has not been duly done—the talisman deficient in some of its mysterious characters, some dot or tittle wanting in the "deed;" and then comes the alternative—a lawsuit, much lost, or relinquishment of the property, *all* lost.

Last, but not least, there is the Chancery—that "tenth wave" of legal misery—over the entrance of which should be placed Dante's well-known lines. In saying this, no reflection is meant on Lord Eldon, either as a man or a judge. In both capacities the writer of this does himself the honor to estimate him very highly, and considers the dreadful state of things in his court not as a reproach to him, but as a proof that as matters now stand, no abilities or exertion would suffice for producing any tolerable amendment. There is a limit to all human exertions; and it is not perceived that more could have been done by the Chancellor than he has performed. A good cause has been much discredited by attacking him, instead of attacking the abuses, which he could not alter or remedy. Indeed it has been said lately, if not justly, yet with some point, that the Chancellor was attacked, to draw the attention of the public from the *true* source of all those evils: From whatever causes, however, there is no doubt of the "inconvenience" having risen to such a pitch, that the plain English of many complaints seems to be, "It were better the cause were decided against me at once, than that I should suffer from farther delay." To all the torture of suspense, is added the enormous expense—fees: which in this, even more than in the other courts, are beyond belief; and if any thing similar to many of them were

found in a coachmaker's bill,¹ the counsel would go near to saying "swindling," and a Middlesex jury would strike them out. But who dares to say "swindling," when a bill of costs, taxed or untaxed, is in question? and such a matter is too sacred to be even thought of by a jury. On the other side of the Atlantic, I am told, the thing is different; juries there take the liberty of enquiring whether bills of costs are legal and just. But this is perhaps anarchical, and no doubt ought to meet with no countenance here.

This state of things, however, cannot last much longer: the nation at large is wearied out. It is not now the suitors only who complain of the burden: it is intolerable, and has become virtually as oppressive as the most tyrannical kings of England made it directly. Their "special commissions" and "star chambers" fell here and there on individuals, generally of note, and not unfrequently instruments of oppression as they too often were, administered justice to those who could not otherwise have obtained it. The humble were comparatively safe from their power: but now, no rank, no obscurity, is a shield from the all-pervading mischief. Where now is the "*Nulli deferemus, nulli negabimus justitiam*?" Either this should be erased from the statute-book, or causes should not be for half a century in Chancery, and the poor man should have some chance of obtaining justice.

It will be readily asked, why, if there be such unanimity in the public opinion, do we not hear such complaints both in and out of Parliament, as would compel an alteration? The answer is obvious. Few English gentlemen know any thing of law, still fewer of its "practice"—of which, indeed, a good general lawyer may be completely ignorant. Perhaps there is not one such in the House of Commons. If there be, fortune and situation in life prevent their forming a proper estimate of the extensive and ruinous evils we are considering. As to the lawyers in Parliament, it would be a very unreasonable expectation, that those who have toiled through the difficulties of the profession, and are now reaping the fruits of their labors, should attack that which is giving them fame and fortune. Besides an old practising lawyer naturally forms an association of excellence with, a complacent feeling for, those roads which he has successfully travelled—habit and gratitude mixed—which extends even to things which the briefless barrister will readily condemn, but which the grave sergeant *feels* are to be defended and cherished,² even in the inferior

¹ See some details in the *Morning Chronicle* of January 27.

² It is not to the interest of the barristers that this mass of abuses in the shape of fees, &c. should exist; but if they should be willing to come for-

branches of the profession—and if they were offended, where would be his briefs? The physician orders bread pills and colored water for the good of the apothecary; who, in his turn, makes work for, and calls in the physician. There is no lack of discussion in Parliament for the best way of pillaging the church, or establishing new Negro kingdoms in the West Indies, in place of the whites, who ought to be exterminated, or perhaps mercifully allowed to come to England, and swell the poor-rates; but there is very little said about those who are lingering out their lives in attendance on the different courts—those whom poverty prevents from asserting their just claims, whose little all is swallowed up ere it can be rescued¹ from the servants of that court “which is to supply the defects of law”—those who lose their effects by the blunders of a conveyancer, or who are for months confined as felons, without the possibility of a trial by “God and their country.” *Nulli deferemus justitiam!* By the bye, as “old law” is confessedly the “best law,” this ancient clause should find more favor in certain quarters, than it has done for many years, or than, it is to be feared, it is likely to do for many more.

The great obstacle in the way of improvement, is certainly, as has been before hinted with regard to the House of Commons, the want of *practical* knowledge on the subject. This, no doubt, has also caused the comparative silence of some of our leading periodical prints. If that “moral steam-engine” could have fairly mastered the subject, there would long ago have been little cause left for complaint. A vast majority are agreed that something ought to be done; but there is a great want of confidence not only in themselves, but in those who have undertaken to advise them in the premises. This has been much increased by propositions of “reform” made by men of ability, it is true, but involving innovations and changes both of forms and principles too violent to

ward to remedy them, they cannot—their hands are completely tied. On the other hand, it is the advantage of all the inferior officers, attorneys, proctors, clerks, &c. &c. that no reformation should take place—delays are continually created—causes put off—to be sure, there are more costs! Surely it is sufficiently vexatious to one, and frequently to both parties, that a cause should be continued, without the shameful additional expense. Why is not the bare order of the court, “that the cause be continued,” sufficient? It certainly is so for all the purposes of justice. To an argument of this kind it was not long since answered, “attorneys must live”—in the bitterness of his heart, the unfortunate suitor repeated the well-known reply of the French lieutenant de police, “Monsieur, je n'en vois pas la nécessité.”

¹ The statement said to have been lately made in the Court of Chancery, “that a portion of an estate worth (the portion) £100 was not worth seeking for, as it would be absorbed by the expenses! “*Nulli negabimus!*”

be agreeable to the discontented, who being also the uninitiated, could not well comprehend the arguments brought forward in their support, and consequently estimate fairly their weight, let it have been what it might. The old and excellent, in one point of view, most honorable feeling—"Nolumus leges Angliæ mutare"—has, fortunately for the country, still almost unbounded influence. It prevents rash and rapid changes—it gives the nation among nations, that kind of advantage a representative government has over a democracy—cool and deliberate discussion and determination. It belongs to that part of the national character which makes an Englishman that which he is, κατ' εἶδος, in the field;—that which made of a retreating, disorganised body of men, to all appearance incapable of an efficient resistance, the army that at Corunna defeated the best troops of France, accustomed to victory, flushed with advantages, and encouraged by their superior numbers. It defeated the address of ancient popes, and has equally stood in the way of modern innovators. Mere ingenuity or eloquence, have, even of late years, lost much of whatever influence they may have possessed in England. To carry any measure, it is necessary to bring it home to the common sense of the nation—that done, the rest must follow at no distant interval.

It is unquestionably desirable, in all changes where important interests are compromised, that the original principle should be as nearly as possible preserved. We already know how *that* operates, and can guess pretty nearly what effect the modification may produce: if expectation should not be satisfied, it is not difficult to return to the starting point, and while it is scarcely possible something should not have been gained in point of knowledge by the experiment, but little mischief can have arisen. It would be an insult to any tolerable understanding, to attempt any detail of the consequences likely to flow from a different mode of proceeding.

The present organisation of our law-courts has been essentially the same for centuries; and it is not to be wondered at, that in the lapse of so long a period, with all the changes that have taken place in men and things, in manners, wealth, and commerce, it should not now "work" as well as it once did. We are told of the wisdom of our ancestors, and justly. Their wisdom is, however, as a guide rather to be sought for in their aims and intentions, than in their actual doings. The institutions which in their days were wise, are not necessarily so now, as indeed they might counteract the very ends for which they were originally established. We have out-grown, in every sense of the word, not only their expectations, but their dreams. They, for

example, built churches which were ample for the accommodation of the people : shall we now, in the increased state of our population, refer to "the wisdom of our ancestors" for building no more ? or is it any disrespect to their memory, that a 74 would be equivalent to one of their fleets ?

When the "twelve judges" were first appointed, it would be difficult to give an idea of the comparative nothingness of the business they had to transact—especially, as some of the most important and intricate questions of our law had then scarcely a name. But under all the changes of time, the extension of our empire—the increase of numbers and of wealth, not only of business but of *law*, they remain "twelve" judges still. Surely this is not according to the "wisdom of our ancestors." It seems at first a singular anomaly in the history of the last hundred years, that while ingenuity itself could scarcely have been more astute in finding pretexts for new offices, and while the complaints of the accumulation of business, and the consequent mischiefs, in both civil and criminal cases, were clamorous and continual, the natural and obvious remedy of increasing the number of judges in each court should not have been embraced, and as it is believed not even proposed. But, in fact, a judge has so little to hope or to fear, can, and we may proudly say *will*, do so little—indeed nothing, for party, that as the appointment of a few additional judges would have been inefficient in that point of view, nobody thought, or at least cared, anything about it. The only argument that can be adduced against such a measure is, that increasing the number lessens the responsibility ; but the weight of this, in the particular case, is not perceived. One judge only would still sit at Nisi Prius ; his responsibility would be the same, whether he were one of a bench of four or six.

What a magical change would this very simple arrangement produce, and that too without departing from the ancient principle in the slightest degree. There would be no longer never-ceasing complaints of want of judges—want of time—of accused persons remaining for many months in jail.¹ A jail-delivery might and

¹ The contamination of a jail affords no weak argument for shortening, by every possible means, the confinement before trial. Even persons in prison for debt, who went there honest, too often leave it sadly corrupted. As the prisons would not be so full, the facility of classing the prisoners, on all hands considered a measure of the greatest importance, would be much increased. So true it is, that one improvement leads the way to another, as one error is generally the precursor of more. The county expenses would also be lessened. It is stated that men commit some trifling offence, to be put in jail *during the winter*, while their families must be maintained by the parish.

ought to be holden, whenever there are criminals, once in three months, or oftener. The quarter-sessions would be relieved from cases of an unpleasant responsibility. The necessity of barristers sitting for the judges—the constitutionality, or at any rate the legality of which may be doubted, though its inexpediency cannot—would be done away with: a criminal court of the highest order might be in continual session in the metropolis. Instead of multiplying police officers and expenses, increase the number of judges—render punishment certain and speedy—put justice within the reach of the poor, and half the inducements to roguery would be destroyed.

Originally there was but one Chancellor appointed, or more correctly the Chancery business, of which of course there was not much fell into the hands of the Chancellor: and by degrees, it is not very well understood how the Chancery jurisdiction grew to its present extent and magnitude, of which it is not exactly known where the boundaries may be:—for though a Chancellor's conscience may be a more definite thing than it was stated by no mean authority to have been formerly, his powers extend to things not only in esse, but in posse, and he himself seems to be the only judge, where they end. It is sufficient for us to *know*, however, that there is scarcely a human transaction which may not by some means or other be brought under his cognisance. Surely this is too much for any one man, and is very much at variance with our ancestor's ideas, as appears very clearly from the remonstrances they frequently made against the "extraordinary" writs. In due course the Master of the Rolls came to be a judge, and of late the Vice-Chancellor has been brought "in aid"—humbly be it spoken, making bad worse; as it now seems that after getting through the Vice-Chancellor's Court, it is necessary to wait and know from the Chancellor whether you had any right to go there—*Nulli deferemus!* Why have not additional Chancellors been put on the bench? The Lord Chancellor could still retain his precedence and political functions; and the Chancery need not have been shut, while appeals were hearing in the House of Lords—the new members of the bench would be, properly speaking, judges in Chancery. The decisions of the Court would no longer be the dicta of an individual, but would assume the weight and consistence of law; and as a necessary consequence, *Nisi Prius* sittings in equity, so loudly called for by the pressure of business, and the convenience of the nation, would be held in the counties. Perhaps the law-courts are much more important than the equitable; and though law ought to be brought to the door of every man, yet for equity, he should travel 3 or 400 miles to London.

Such an arrangement would no doubt meet a very decided opposition—would be considered the worst of radicalism, and many other *isms* too tedious to mention—by many of the learned gentlemen, especially of those who would be supposed the most competent from their standing, &c. to give an opinion. But there is a difference between *knowing* the law, and *deciding* on the best manner of administering it. The “operatives” are not generally the best engineers: they strike out ingenious details, but would scarcely be consulted on extended plans. The truth is, the monopoly in the profession would be in danger—the juniors would have a chance. Talents of the first order could not be buried for 10 or 12 years, not to speak of that which *never* makes its way. Such is not the case at the American bar. Talents and industry, at all superior, are sure to be distinguished,—and this is one of the most forcible causes of the excellence of that body. Its leading members are the elite of the nation. I do not recollect to have seen this insisted on by any of their writers: they probably were not sufficiently aware of the state of things in this country, for the comparison to strike them. The *fee-takers* of every description, from the topping solicitor with his continuances, to the exactor of some extra shillings for a “private seal,” would probably consider the “Great Diana,” whom all their craft worshippeth, in danger: the control of the tail of the profession over its head would be woefully diminished. It is evident enough that Dr. Lyall has been long out of England, or he would not have considered the conduct of Russian servants and functionaries so very unexampled.

A few simple questions which have nothing to do with law, but it is believed may claim some relation to common sense, will probably set the subject in a clearer point of view. For instance,

If 4 judges were necessary for the Court of King’s Bench a century ago, why are not more necessary now?

If circuits were gradually altered from once in 7 years to twice in one year, why should not the alteration go on?

If criminal courts were held in the metropolis oftener than in the country, on account of the great press of business, why should they not now be of still more frequent occurrence?

Is the practice of a barrister sitting at *Nisi Prius* constitutional, at least since the beginning of the late King’s reign; and whether or not, do not very serious objections exist, both in theory and practice, against it?

If the Lord Chief Justice has 3, or it may be said 11 judges as his assistants, why should not the Lord Chancellor have assistance also?

If it be necessary to have circuits for common law, why not for equity also?

Questions of this kind might be obviously multiplied, but they may be sufficient for the present, without going into "wherefores" respecting the attorneys' fees for continuances, and for putting their heads into court, or sending their clerks there, term after term—the barristers' remembrancers—the resealings—the "valuable" causes brought into Court for the mere purpose of delay, which of course are well paid for—waiting 4 or 5 years for the decree that the "Court has no cognisance"—bills of revive, which at present are in many cases tantamount to a denial of even a hearing—no mean aid in making a Chancery suit an inheritance—for whom, and to whose uses and purposes, it is needless to say. It is humbly submitted, that when this subject shall come, as it must come, fairly before Parliament, an attorney, solicitor, and proctor, should be purchased for the national benefit. A few thousands thus spent would be well laid out, as no other means of acquiring a knowledge of their mysteries seems to exist, particularly as regards that branch of the *ad libitum* taxation—FEES, which stare the unfortunate Englishman in the face at every turning—in the courts of justice, in the attempt to secure to himself the fruits of his talents or ingenuity, in an application to Parliament for a beneficial law. If he has been unjustly incarcerated, either by the Dogberrys, or the first law officer of the kingdom, he may be discharged, on "payment of his fees"—if he finds it necessary to take refuge from misfortune in exile, he can have land *granted* him in Canada, but on "payment of fees," amounting to more than the fee-simple of the land is really worth—about fourfold, it is said, of the sum for which the American Congress *sell* theirs.

It would be a great relief to suitors in Chancery, if matters of bankruptcy were detached from it, more or less. The Lord Chief Justice might have a concurrent jurisdiction, or what it is thought would be far better, there might be a separate court, with an appeal to Chancery, or elsewhere.

There is no improvement more simple and obvious than an alteration in conveyancing, and but a single argument can be raised against it; viz. that the interests of a few individuals are opposed most materially to those of the community. Look at the sheets of parchment made use of in conveying, for example, a landed estate. Now the use of the instrument in this case, is, to identify the property and securely distinguish it from the adjacent lands, which, by the bye, is the business of the surveyor, rather than the lawyer; and then, to state the fact that it has passed from the possession of A to that of B, with, sometimes, the conditions and circumstances of the transfer. Now every lawyer knows in how many, or rather in how few, words this can be securely and technically effected; generally speaking, in 5 lines as well as 500.

There might easily be an act of Parliament, establishing certain forms of deeds, bonds, mortgages, leases, &c. containing the necessary words, and stripped of the verbiage, which is continually creating law-suits, and rendering property uncertain; because, forsooth, a conveyancer is paid according to the number of words he can crowd into an instrument. Why should not these forms be given as well as those of warrants, &c. which are of much smaller importance? At present, how many "landed" men are there who could fearlessly permit an inspection of their papers? Are there not very many instances where "possession" is their best title, from the confused, ignorant, or careless manner in which their muniments have been drawn up. It is also worth enquiring, whether some latitude might not be given to the judges for conveying into effect the "intention." As the law now stands, the intent of an instrument may be visible on the face of it, independent of, though perhaps corroborated by, collateral evidence; and yet a technical difficulty may exist, such as to render it a mere nullity, or cause it, like a bursting cannon, to injure those whom it was intended to benefit. This would be no novel principle in our law. In the construction of wills it has been long acted on, the necessity of the case having enforced it. No injury has arisen; and it is not perceived why the proposed extension would not materially subserve the ends of justice.

It is much to be hoped that the digesting of the laws, which has been so ably and usefully commenced, may be persevered in, on a liberal and extensive plan, combining the statute law as it now exists, with the "decisions" on the same subjects, which have the force of law. Increasing the number of judges would materially facilitate such an operation, which certainly in its effects would eventually lighten their labors, by the law being more definite, and more within reach. The digests should pass through their hands before they are submitted to Parliament. No doubt, from the magnitude of such a work, many who perceive its necessity despair of its being effected. But has it not already been successfully begun? where is the difficulty in proceeding to the law of evidence, of real estate, of descents, insurance, exchange, of uses and trusts,¹ &c.? Three capable barristers might be allotted to each subject, who should present the result of their labors, with the authorities annexed, to the judges for their examination and opinion, after

¹ The law of "uses and trusts" is in a great measure built on a "dictum;" viz. that there cannot be a use on a use; which dictum very sound lawyers have declared little if at all better than an absurdity: yet it is law, and law it must be till the legislature shall decide otherwise. This, however, is not the only absurdity in it. The doctrine as regards dower, has also been dignified with the same appellation.

which they should go before Parliament. It should also be competent to the judges to point out where they considered the existing law defective; and an interval of a year might be allowed, during which, if any unintentional omission of, or departure from, the ancient law should be discovered, the old law, under the discretion of the judges, should still be in force, and the necessary alterations made at the next session of Parliament. It is supposed great benefit would arise from embodying in the same manner Chancery decisions of acknowledged authority; and why might not such matters when become law, be taken cognisance of in the courts of law? It is not intended by this indirectly to hint at the abolition of Chancery—far from it—were all its decisions enacted into laws to-morrow, the day after some case would arise requiring its peculiar powers. Years would no doubt be required for the truly Herculean task, as well as for digging a canal, or building Waterloo-bridge, though in the latter cases, that has not been considered a necessary obstacle or even a serious objection. It is not altogether to the national honor either to be behind other nations, both in the new and the old world, in so beneficial an undertaking, as simplifying and giving certainty to the law.

In a well-written article in the *Quarterly Review*, some time back, the increase of *reports*, past, present, and to come, was noticed as a nuisance of no small magnitude, and what is still worse, as almost hopeless of remedy. It is truly a melancholy addition to other evils, that it is difficult to know what the law *is*; it is to be searched for through such a mass of irrelevant matter, and frequently conflicting authorities—even the Judges saying occasionally, “the law is so settled, but it is contrary to our opinions.” All this calls loudly for the *fixing* of the law in some tangible shape, by clearing away the lumber which chokes up the avenues of justice—learned lumber it may be; and those who delight in it may still continue to study its chaos, such being at least as innocent employment as butterfly-hunting, or shell-gathering; but the nation at large cares no more for the one pursuit than for the others. Vast as the work appears, every year would render it lighter—the old Machiavelian maxim, *divide et impera*, is true for good, as well as for evil. The inhabitant of the wilderness is not discouraged by the number and magnitude of the “cumberers” of the ground, but perseveringly attacks them in detail, receiving eventually the reward of his industry in smiling fields and plentiful harvests.

The process of ejectment, a very serious inconvenience with which landed property is saddled, ought to be abolished; and those venerable personages, Messrs. John Doe and Richard Roe, be allowed to retire, with a pension if necessary, from this branch of their vested rights. This process is expensive, dilatory, and of difficult

management, while a simple action of trespass would answer every proper purpose. At this time of day it will scarcely be supported on the ground, that it is "founded on very ingenious fictions," while the only substantial argument is, that being shamefully expensive and inefficient, it is an excellent "thing" for those *not* concerned.

In speaking of simple and easy improvements, it is impossible to pass over the advantages to be derived from giving the courts a "summary process" jurisdiction, of all causes under £50*l.* which should be triable at *Nisi Prius*, the term next after the service of the process. The form of proceeding would be of the simplest kind, merely stating the nature of the action, and the amount sued for: the pleadings on the defendant's part to observe the same simplicity, and no mere technical objection to be allowed. It should partake in some measure of an equitable jurisdiction, to enable the judge to do substantial justice between the parties, at whose option it should be whether a jury were impanelled or not. Something of this kind has been attempted in Ireland, under the name of "civil bill" suits, but has not altogether answered expectation, it is understood in a great measure because the process was not *served* by an officer of the court. The advantages of this form of action, to all classes of society, are too obvious to require a comment. So many cases exist in which it is merely necessary to declare the law—in which the facts are admitted by both parties; and therefore the interference of a jury is unnecessary—where the parties would be glad to have the decision of a judge, as an able and independent lawyer, whose opinion would be satisfactory—where immense advantage might be had in taking up a point of law at once, without the usual delays, to a court above, by a trial in the nature of a feigned issue—the numerous small cases that would never go to a court, if immediate and unexpensive decision were sure—and then, perhaps what the man of humanity would esteem as the first and best of its advantages, that of aiding those to whom "small matters are great," and who now are too often without hope of redress. There should also be a corresponding system introduced into the Chancery for facilitating the decision on small estates, &c. Law has been well called the *chimney* of society, and it is surely the duty of the legislature to make the vent sufficiently ample.

Several years ago Mr. Bentham proposed a plan similar to this, and as far as is recollected, accompanied with some forcible remarks on its advantages, which had they appeared in an isolated form, and unencumbered by his peculiar phraseology and notions, would no doubt have attracted, as they well deserved to do, considerable attention. But the idea was by no means new with him;

and it will perhaps serve as some recommendation, some claim to notice, when brought forward by a more humble writer, to state that it has been in operation for nearly a century past, in aid of English laws, and originally put in force by a body of men who may be fairly called English gentlemen, the early inhabitants of South Carolina—what they were, and how well they deserved that honorable appellation, is well known to those who are conversant with the history of our North American colonies, possibly the most interesting and instructive of all history to the politician. It is also worthy of remark, that the provincial judges and lawyers were *English* lawyers, down to the period of the Revolution. The forms, and still more the spirit of the English jurisprudence, were to be found among them in a singular degree, almost from the time that they had formed a shelter over their heads. In that highly civilised and wealthy country, the experiment has been eminently successful, and has directly or indirectly destroyed the inferior jurisdictions; among the rest, county courts (the offspring of the old English system), which are complained of in other parts of the American union as embarrassing justice in various ways. The advantage of going at once to a circuit “judge” is strongly felt; and though the reward be but moderate, from the pecuniary amount to which this jurisdiction is confined, there is no difficulty in getting the best assistance at the bar. The trouble is small; and among the younger barristers there is always a readiness to embrace causes which often involve the most important principles, and which may bring their claims to employment fairly before the public.

To the same country, the writer gladly turns for a support of his remarks on increasing the number of Chancellors. After the Revolution, the population increased in the interior much more than on the sea-board; and in a few years the Chancery business not only became more than one person could well attend to, but the inconvenience of visiting the capital became constantly greater to the suitors. The legislature accordingly placed more judges on the equity bench, which have been at different times increased to five, the present number. The state was divided into equity districts, which as business increased have been again sub-divided; in each of which courts of equity are holden, twice in the year, by a single judge, regulated by English principles, and to a considerable extent English practice also. In each of these districts there is an officer who superintends the records of the courts, hears references, examines accounts, &c. &c. If the decision of the judge is appealed from, the appeal goes before the whole bench, which sits for that purpose alternately at Charleston and Columbia, the commercial and political capitals of the state. All matters under

a certain sum are brought forward in a very simple manner by way of petition, instead of bill; and the same remarks will apply to this as to the "summary process" of the law-courts. The forms of actions have been considerably simplified; for instance, in detinue the wager of law is abolished, and the process of ejectment no longer exists: a very simple form of deed has been established, and much other rubbish cleared away, while the *principles* of law are no where more religiously observed.

It would have been no difficult matter to carry these remarks to a much greater length; but the intention of the writer has been, not to make a book, but to throw in his mite towards a cause of the most serious importance—that of improvement without innovation.

It may perhaps be proper to add, that the statements made respecting American practice were derived from a source worthy of confidence.

G R E E C E

AND

HER CLAIMS.

BY EDWARD BLAQUIERE, Esq.

AUTHOR OF

“THE ORIGIN AND PROGRESS OF THE GREEK REVOLUTION,” &c.

“Greece, abandoned by the rest of the earth, with the volume of her past splendor, and her woes, and her rights in her hand, will pursue her arduous career. — Her cities sacked, her villages burnt, her fields ravaged, bear witness to her proud determination.”

Declaration of the Greeks to the Christian Powers, April, 1822.

“The principles of religion, humanity, and justice, which animate the assembled Sovereigns, allow the Provisional Government of Greece to hope that its just claims will be admitted. If, contrary to all expectation, they are rejected, the present declaration will serve at once as a formal protestation laid by all Greece before the throne of Heavenly Justice, addressed in perfect confidence by a Christian people to Europe, and to the great family of Christianity. Weak and deserted, the Greeks will then have no hope but in the all-powerful God; sustained by his mighty hand, they will never bend beneath tyranny.”

Appeal to the Christian Monarchs assembled at Verona, August, 1822.

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U

P R E F A C E.

THE following letters have been addressed to a gentleman, distinguished for the energy and talent with which he has advocated the Greek cause, from its commencement up to the present crisis. Although I am not so vain as to imagine, that it has been in my power to throw any new light on a subject, which has occupied the attention of the ablest men in Europe, I trust that no improper or obtrusive motive will be attributed to this effort, made in the humble hope of uniting the opinions of all parties in favor of a struggle, to which the finger of Providence seems to be more strikingly directed, than to any other recorded in the history of nations.

Deeply as I deplore those errors which seem to have relaxed the zeal manifested by the early friends of the Greek cause, I am convinced that they were inseparable from a contest commenced under such disadvantages, and carried on amidst difficulties which are only known to those who have visited the seat of war, and studied the character of the Greek leaders and people.

When, however, it is considered that the leaders alone are to blame, and that the people have never erred, surely it would be the height of injustice to make them the victims of errors or incapacity in which they have had no share. And with respect to the errors in question, it will perhaps be found, on some future day, that they were confined to a very small number. Without pursuing this subject any farther, I venture to ask, whether the faults of a few novices in the art of government, or who may have thought more of enriching themselves than providing for the exigencies of the struggle, are to be put in competition with the fate of our Christian brethren of the East, all of whom are most

deeply interested in the success of the Greeks? For if they fail, who will argue against the probability of its being the signal of a ruthless persecution throughout the Ottoman dominions, as well as those states dependant on the Sultan? Those, also, who deny that the failure of the Greek contest would not be hailed as the triumph of Mahometanism over Christianity, are but little acquainted with the fiery zeal and bigoted enthusiasm of the followers of Islam.

Though motives of prudence and sound policy equally unite in suggesting the propriety of secrecy, with regard to the negotiations to which I have alluded, enough has transpired to convince the most incredulous, that his Majesty's Ministers have considered the Greek question in all its bearings, whether as one of religion, politics, or humanity. Nothing can be more consoling to the friends of the cause, or more highly honorable to those statesmen who have consummated the great and glorious work of South American independence, than a conviction of the above fact. While, therefore, it is most devoutly to be hoped, that they may also become the instruments in the hands of an over-ruling Providence, of emancipating Greece, it remains for the friends of her sacred cause, to whom I now venture to address myself, to leave no effort untried, to second the benignant views of government.

EDWARD BLAQUIERE.

London, January 1st, 1826.

G R E E C E,

&c.

LETTER I.

TO A FRIEND.

Paris, Nov. 21st, 1825.

SIR,

YOUR uniform exertions in favor of the Greek cause, induce me to hope that a few facts relative to the praiseworthy efforts making in this country, for the purpose of aiding the Greeks at this most important crisis of their momentous struggle, will not be unacceptable to the British public. Be this as it may, it is a tribute called for by the conduct of the philanthropists of France, and may serve, in some small degree, to revive the sympathy which prevailed in England, when the prospects of Greece were infinitely more brilliant than they are at present.

You are, doubtless, aware that the first Greek Committee of Paris, composed indiscriminately of the most distinguished men of all parties, and of every rank, was formed about six months ago ; since that time, its exertions have been increasing : the consequence is, that though the amount of subscriptions has been comparatively limited, it has enabled the Committee to send out a number of able officers and artisans, together with a quantity of small arms and other necessaries, calculated to enable the Provincial Government to pursue the system of military organisation commenced at Napoli de Romania last year, and on the success of which, it is not too much to say, the salvation of the cause mainly depends. It may not be unimportant to state, that the Duke of Orleans is at the head of the subscribers of the Central Committee, and to a very liberal extent : indeed his Royal Highness is said to be most anxious for the triumph of Christianity in the East. In addition to the appeals previously made in favor of Greece, by M. Bignon and the Abbé de Pradt, those of a more recent date, from the pens of Benjamin Constant and M. de Chateau-

briand, are not less remarkable for the unanswerable logic with which they advocate the claims of Greece, than for the masterly and persuasive style which so eminently distinguishes these popular writers.

Animated by the example of the Central Committee, a second has been formed, with similar objects, by the *Société de la Morale Chrétienne*, an association long known in this country for its philanthropic labors in promoting education and morals. Like the Sub-committees, whose ephemeral existence in some of our own counties gave such a salutary impulse to public opinion, its funds are transferred to the Central Committee, to which it has called the attention of the French public in an able address.

In addition to the above Committees, a third has been formed on the plan of the British and Foreign School Society of London, and for the exclusive purpose of encouraging education both at home and abroad. I need scarcely say that Greece is a prominent object of solicitude with the members, who, as in the London Association, consist of all the most distinguished practical philanthropists of France. It is worthy of remark, that the two societies actively co-operate for the same laudable object, by which the incalculable benefits they are likely to confer on civilisation cannot fail to be greatly augmented.

The little Republic of Geneva also boasts its Greek Committee; and while M. de Sismondi, the eloquent historian of the Italian Republics, has devoted his powerful pen to pleading the cause of our Christian fellow-men of the East, M. Eynard, the banker, is among the subscribers, to the amount of 50,000 francs!

While such is the feeling in France, with regard to Greece, you will not be surprised, if it be frequently asked, what are the English Committees doing?—Nothing can be more natural than this interrogatory, more especially with those who call to mind the efforts made on our side of the Channel, at a former period of the contest, and refer to those recent events in the Morea, which render it more necessary than ever for every friend of the sacred cause to rouse all his energies in its support.

As the arguments which were first brought forward in favor of the claims of Greece to the sympathy of the Christian world are still in full force, while they apply with infinitely greater justice, now that the enemies of Christianity are redoubling their efforts to trample on the Cross, and exterminate its followers; surely the British public will not be outdone in the work of charity by any other nation!

Those who have marked the progress of the contest, cannot be surprised at the reverses which have unhappily followed in the train of its early successes: they are aware of the innumerable

difficulties against which the Greek patriots have had to contend within, while the greatest obstacles have been opposed to their efforts from without. Although there is reason to hope that the latter are beginning to diminish—for it is impossible for the Cabinets not to perceive the crisis to which the Greek people are exposed—it is of infinite importance to adopt every means, not only of affording substantial aid to the cause, but of encouraging the Greeks to persevere in their arduous struggle.

While therefore, it might be deemed officious to point out the best mode of once more awakening the sympathy of England, I venture to call your particular attention to the fact, of the men of all parties having concurred in forming the French Committees, and to suggest, if we cannot imitate our neighbours in this respect, that there is at least nothing whatever to prevent those who abstained from joining the first Greek Committee, through political motives, from forming one of their own.—Would it be presumptuous to offer it as an humble opinion, that knowing as they do the present situation of Greece, his Majesty's Ministers would not oppose the establishment of a new association, like the one proposed?

It is almost needless to say, that in the event of such a second Committee being formed, its funds might be most usefully employed, without infringing in any way on the terms of our late declaration of neutrality.

Whatever may be the result of these desultory remarks, how is it possible for the most indifferent friend of the Greek cause to witness the enthusiasm which prevails in France, and the exertions that are making to succor Greece, without expressing a hope, that England will neither be exceeded in charity, nor sleep, while a nation of Christians are threatened with extermination?

I am, &c.

P. S. I feel assured that any new measures which may be adopted by individuals in favor of Greece, will be warmly seconded by the conductors of the public press, which has invariably espoused the cause with a zeal worthy of its interest and importance.

LETTER II.

London, Dec. 22d, 1825.

SIR,

THE notice of the Journals of Count Pecchio and Messrs. Emerson and Humphreys, as well as the forcible appeal made in

favor of Greece, induce me to trouble you with a few remarks, in addition to my communication of the 21st ult. from Paris.

Although the abovenamed writers have dwelt with an unsparring hand on the errors and want of foresight, which were inseparable from a cause commenced under such innumerable difficulties, and amidst obstacles which would have appalled the stoutest hearts, it is impossible to rise from the perusal of their volumes,¹ without feeling those sentiments of enthusiasm and sympathy which animated the whole British nation in favor of Greece during the first moments of her arduous and memorable struggle; while, therefore, every friend of this sacred cause must deplore the fatality which has retarded its success, or placed it in jeopardy; surely the errors of a few individuals are not to be visited on a whole people, while they neither change the principles on which our early sympathies were founded, nor diminish the claims of the million to a continuance of our support.

I have already stated the laudable efforts which are making by the leaders of every party, and the most opposite political opinions in France, to aid a cause which the ablest writers of both countries have regarded as being intimately connected with the great interests of civilisation, and I venture to repeat, that their example is worthy of imitation in this country. There is, however, a party in England who are doubly interested in the triumph of Greece—I allude to those who have generously come forward to contribute to her two Loans—and it is to these I would fain now address myself, in order to prove that the cause is not by any means so desperate as some persons are disposed to imagine; and that another effort, no matter how trifling, would, under the existing circumstances of the contest, enable the Provisional Government to achieve the great work of independence—thus placing the remuneration to which they naturally look forward beyond the possibility of doubt.

It is admitted by all those who have recently published their opinions on the state of Greece, that the internal dissensions, which led to so many disasters, have completely subsided, giving place to the utmost unanimity between the military leaders and the government. This fact is confirmed by the latest accounts

¹ A closer examination of those works, has convinced me, in common with others, that the authors have taken but a very superficial view of the Greek character, while their numerous inaccuracies prove, that they remained too short a time in Greece to become minutely acquainted with the real state of the country. A very interesting inquiry into the subject of these inaccuracies has been prepared by Count Palma, the celebrated Piedmontese patriot, and will, whenever it appears, throw a totally new light on the affairs of Greece generally.

received from the Morea ; and those who are acquainted with the great disadvantages under which Ibrahim Pacha is obliged to carry on the war, are convinced that nothing more was wanting to ensure the triumph of the cause. Were it, therefore, possible to complete the system of military organisation, which even Mr. Emerson states to have made a rapid progress previous to his quitting the Peloponnesus in September, I have no hesitation in predicting, that the sixth campaign would commence under auspices highly favorable to the Greeks, and speedily enable them to drive out the enemy.

While the necessity for continued support on the part of the public creditors of Greece is so self-evident and obvious, they cannot fail to derive infinite satisfaction (if it does not stimulate their zeal in favor of the cause) from the fact of its being an object of serious discussion with the four Great Powers of Europe ; although reasons of state and motives of prudence necessarily involve the pending negotiations in secrecy, it is impossible any longer to doubt, but that the irresistible claims of Greece on the whole Christian world are recognised ; and above all, that the august Monarchs in whose hands her destinies are placed, will not, whatever may be the issue of the momentous struggle, suffer our Christian brethren to return to the Turkish yoke.

Those who have hitherto sympathised with the heart-rending sufferings of the sons and daughters of that classic soil, have, for the most part, done so from motives of humanity. Very few have examined the immense importance of the Greek cause as a political question, much less its incalculable results with regard to commerce and civilisation. While bewailing the endless hardships and privations to which the people of Greece have been exposed during their unequal contest of five years, or lamenting the errors of their leaders, they have not reflected on the importance of converting the finest country on earth, now comparatively a desert, into the most productive commercial emporium in the world, nor that it is destined by its geographical position to become the great link between the civilisation of Europe and the neighboring continents of Asia and Africa. But these important facts have not escaped the penetration of the Sovereigns or their Ministers. While the latter have fully appreciated the foregoing considerations, as well as the impossibility of abandoning Greece to the direful fate which would attend her return to Mahometan slavery, they are convinced that the surest road to immortality is to ensure her triumph, and proclaim her political independence !

While such are the sentiments which animate the Sovereigns and their Ministers, is it for the early friends of the Greek cause, and more especially for those who are doubly interested in its

success, either to relax in their efforts, or abandon it at a time when by a little additional exertion the great triumph of religion and humanity cannot fail to be finally achieved?

Having thus stated the grounds on which I humbly conceive the friends of Greece, and her creditors, are called on to renew their exertions in her behalf, I shall take an early opportunity of offering some additional considerations arising from the subject, as it regards the general interests of Europe, as well as suggest such means as appear to me most likely to realise the grand object in view.

I am, &c.

LETTER III.

London, Dec. 29th, 1825.

SIR,

ALTHOUGH there is but little doubt that the accounts from Greece are greatly exaggerated, they ought to act as a powerful stimulus to all those friends of the cause who do not wish to abandon it when its fate is about to be decided. At all events, they induce me no longer to defer my third letter, in which I feel it a sacred duty to reiterate the claims of Greece to the increased sympathy and support of England, as well as to endeavor to convince her creditors, that leaving every sentiment of humanity out of the question, *it is their interest* to enable the Provisional Government to make a stand in the present crisis, and that prompt demonstration of a willingness to afford some trifling additional aid, would not only hold out a certain prospect of remuneration for past advances, but enable the Greeks, taught wisdom as they have been by bitter experience, to avert the calamities with which they are threatened.

Having, in my last communication, stated the grounds on which the British nation is called on to support Greece, and pointed to the important fact of negotiations being opened on the subject, under the immediate auspices of our own Government, I added, that the cause was by no means in so desperate a condition as represented by its enemies; it merely remains for me to illustrate the last-mentioned assertion by a few facts drawn from some local knowledge of the seat of war, and the information I have myself recently received from a Correspondent at Zante, on whose veracity I can place the most perfect reliance.

It is universally agreed that want of union, which, by the bye, has been found to prevail in every country that has attempted to throw off a yoke like that which weighed down Greece, is the sole

cause of the disasters of the fifth campaign. Now, by the concurrent testimony of several distinguished individuals in the Morea, and all the late letters from the Ionian Islands, there can be no doubt but that this grand desideratum has taken place, and that the leaders and the people have solemnly pledged themselves to each other rather to die with arms in their hands, than again submit to the enemies of their faith. I am so convinced of this highly important fact, that I feel assured the statement to which you allude, of the heroic resolution of the Missolonghians, may be applied to the whole Greek people. Indeed, it is greatly strengthened by the well-authenticated fact, that till now, *not a single Greek has submitted or offered to treat with Ibrahim Pacha*, notwithstanding the occupation of Tripolitza, and the freedom with which the Egyptian invader is said to have traversed the Peloponnesus. Surely, this circumstance alone adds infinitely to the claims of our Christian brethren, while nothing can be more calculated to excite our admiration and sympathy.

With the foregoing facts before us, let us inquire what are the relative positions of the contending parties? To begin with the followers of Mahomet. They are in possession of Patrass, Navarin, Modon, Coron, and Tripolitza, and have, perhaps, twenty thousand men, Turks and Egyptians, in the Morea. I am convinced the number does not far exceed this estimate. The whole of their supplies must come from without, and it is totally impossible for them to undertake any operations in the open country before the end of March. It is scarcely necessary to add, that they are surrounded on every side by difficulties and dangers of the most appalling description.

To oppose the above force, even supposing it to double what I have stated, there is a Greek population of a million of souls, of whom seventy thousand are in arms, and fighting for their existence, as well as that of their wives and children. Besides the occupation of their inaccessible mountains, whence no force that the Porte or Mehemet Ali could muster can dislodge them, the Greeks are in possession of Athens, Corinth, Napoli di Romania, Malvasia, and Missolonghi, any one of which places may be easily defended by a handful of men against the whole forces of the enemy, if they could even be united against it. After all that has been said on the subject, and the experience of five years, it is needless to dwell on the advantages which the Greeks possess, not only for attacking their enemies, but avoiding them if too closely pursued. Their early successes, and the heroic fortitude with which fatigues and privations of every kind were sustained, afford an ample guarantee of what they are capable of suffering, rather than risk the inevitable destruction which would attend their submission.

While such are the motives of resistance and means of defence in Continental Greece, those which the islands present are not less worthy of attention. In the first place, of the Greek population in these gems of the ocean, so dear to the admirers of that early science and civilisation, for which we are indebted to ancient Greece, there is but one sentiment—that of the same hatred to the Turks, and desire to be free, which prevails throughout the Continent.

The number of seamen are estimated at thirty thousand, and of armed ships two hundred. Their achievements are already known. But the grand point of interest among the Greek Islands, is Candia. This terrestrial paradise, rich in all the productions of nature, must share in the triumph of the Morea, Attica, and Western Greece. Since nothing but the impossibility of supporting the frequent and often successful efforts of the Christian population, has prevented them from retaining advantages gained under apparently insurmountable difficulties. When I state, that out of the two hundred thousand Greeks who inhabit this island, there are about 30,000 with arms in their hands, some notion may be formed of their hopes of success, whenever another favorable occasion presents itself. It should be observed, that the fortress of Gabrusa is still in the hands of the Candiots, and that the Turkish garrisons have never attempted to penetrate into the interior.

When the spirit by which the whole Greek people are animated, and the certain consequences that would follow their subjugation or submission, are coupled with the recent providential event, which has placed the early and sworn friend of Greece on the Russian throne, surely there is every reason to anticipate still more propitious results for the cause. The occupation of Moldavia and Wallachia would of itself turn the balance, should this act of justice to the oppressed and unhappy people of these two provinces be followed up by the humane and truly politic measures, which his Majesty's Ministers are said to have long since decided on with regard to Greece, there is little doubt but that the European family and Christian world will yet avert the heavy responsibility and irrevocable disgrace of allowing a whole Christian people to perish, when the voice of God and Nature so loudly proclaims the justice of their cause!

Without referring to the abundant means which Greece possesses, of repaying the principal and interest of the small sum borrowed in this country, and which have been elucidated in various publications, I cannot conclude, without expressing it as my thorough conviction, that whatever new disasters may be in embryo, the Cabinets, but more especially those of London and St. Petersburg, *will not abandon Greece*, and that in the arrangements

which are making with regard to her future destiny, a provision will be made for the public creditors of this country. If any thing could interfere with the accomplishment of this measure, it would certainly be the withholding support, at a moment when its continuance would not only secure, but greatly facilitate the object in view.

Such are a few of the arguments which I had to urge with the holders of Greek Bonds, and the Contractors for her two Loans. Is it necessary to add a single word more, to induce the early friends of the cause to come forward and vivify public opinion in the present crisis of Greece, when those who have been fighting the battle of the Cross are threatened with extermination, and when *their* defeat may perhaps involve that of all the Christians of the East—above twelve millions of our fellow-creatures and co-religionists?

It would be an insult to the conductors of the public press, who have so pre-eminently distinguished themselves in favor of Greece, to suppose that if *they* think the cause in danger, they will for one moment hesitate to send forth a voice, which, when simultaneous, they know to be omnipotent!

I am, &c.

Remarks on the Territorial Divisions and Financial Resources of Greece.

[Extracted from the Author's Second Visit to that Country, in 1824.]

HAVING, by the various statements made after my return from the Morea last year, so frequently alluded to the resources of Greece, and her means of fulfilling the financial obligations contracted on the London Stock Exchange, I was truly astonished, while at Napoli di Romania, to receive letters stating that the loan had fallen to a discount of 18 per cent. ! and this without any adequate cause being assigned, since the catastrophe of Ipsara was not yet known in England. But even a knowledge of that disaster ought not to have produced such a depression. Being absent at the time, I shall not hazard an opinion as to the cause which led to this circumstance; I must, however, both in justice to Greece, and those who may be induced to invest any part of their capital in her

loan, express a hope, that in the event of any future financial operation, those entrusted with its management will leave no effort untried to prevent the fate that has befallen the first Greek loan, more especially in its earlier stages.

Knowing, as I do, that the consolidation of the social edifice in Greece, if not the safety of the cause itself, depends on the establishment of her credit in this country, I did not fail, during my late visit, to continue the inquiries commenced in the preceding year, relative to the resources of the confederation; and from the following statement, for which I am principally indebted to my valued friend Nicolo Contumas, the patriotic representative of Tinos, and the celebrated Professor Anthimos Gazi, of Thessaly, whom I found at Napoli, actively employed in representing the district of Olympus.

Pursuant to a law of the Legislative Body, passed during its last session, the Morea is divided into 27 departments, namely—Napoli di Romania, Argos, Corinth, Lower Nachaguis, Vostitza, Calavrita, Tripolitza, Caritena, Phanari, Arcadia, Pyrgos, Gastouni, Patrass, Neocastro and Modon, Coron, Nission, Mieromani, Andrussa, Emplakika, Calamata, Leondari, Eastern and Western Maina, Menomvasias, Mistras, Prastos, and San Pietro. What with the natives, and those who have been led to the Morea by the circumstances of the war, the number of the inhabitants now there, is by the lowest calculation estimated at 700,000, of these there are 70,000 in arms. As I have already made frequent allusions to the richness and fertility of this portion of Greece, it will be sufficient for the present object to state, that besides its producing every necessary of life in abundance, the exports of the Morea consist of the following articles, viz. olive oil, currants, silk, cotton, valonea, sponges, wool, goat and sheep skins, ship-timber, and bees-wax. In the article of provisions, great quantities of cattle, sheep, poultry, butter, cheese, and honey, are supplied to the Ionian Islands. The fruits principally exported from the Morea, are figs, oranges, lemons, and almonds.

Anxious to ascertain as nearly as possible the extent of the national domains, I am, from the concurrent testimony of several well-informed members of the Legislative Assembly, induced to state that 80 parts out of 100 of the whole country will be at the disposal of the Legislature. This property, of which the value is incalculable, consists of lands, olive plantations, forests, principally of oak, ash, and fir, salt-pits, fisheries, public buildings, gardens, &c.

Notwithstanding the impossibility of cultivating more than a very small part of the soil, the Government was, during the last year, enabled to collect about a million of Spanish dollars merely

from a tenth of the produce of private individuals, and its quota of 80 per cent. on what the national domains, of which there is but a very inconsiderable portion in cultivation, produced, together with a trifling duty on imports, and without levying a single tax. I was assured by many, that if the financial department was properly regulated, nearly double the above sum might have been raised in the Morea alone.

Continental Greece is divided into 29 districts, the names of which are as follow :—Athens, Thebes, Livadia, Talentium, Butrinitza, and Turkochori, Zeitouni, Almyros, and Cacossi, Magnesia, Salona, Lidoriki, Malandrina, Neopatras, Carpenissi, Cravoari, Venetico, Apocuro, Zigo, Vlocho, Xeromero, Vonitza, Messolunghi, Vrachori, Anatolico, Valtos, Agrapha, Arta, Aspropotamos, Dervenachoria, and Negropont.

The inhabitants of that part of Continental Greece which is in the possession of the Greeks, is estimated at 600,000 souls, of whom 40,000 are capable of bearing arms. The exported produce consists of cotton, silk, wool, corn, oil, valonea, skins, ship timber, fir, cattle, and provisions of various kinds. With respect to the national property in this portion of the confederacy, it bears an exact proportion, both as to its extent and value, to that of the Morea. Owing to its having been so frequently the seat of war, and the consequent impossibility of extending cultivation, as in the Peloponnesus, the amount of revenue collected last year is not estimated at more than 500,000 Spanish dollars. According to the statements of Anthimos Gazi, who is intimately acquainted with the subject, Thessaly contains above 800,000 inhabitants, of which not more than 35,000 are Turks. There is not a more productive region in Europe, than that in the neighborhood of Larissa and Zeitouni. The exports of Thessaly are very large, and consist of silk, wool, cotton, flax, hemp, wine, tobacco, wheat, rice, maize, &c. The best manufactures of Greece are also established in this country, particularly those of silk, cotton, and wool.

The Archipelago forms two divisions, that of the Cyclades and Sporades. In the first are comprised Tinos, Myconos, Syra, Paros, Antiparos, Sipros, Milos, Khimilos, Cos, Amorgos, Sykro, Polycandros, Santorini, Astipalica, Anaphi, Zea, Thermia, and Seriphos. In the second; Samos, Patmos, Leros, Colymnos, Icaria, Scopelos, Scyros, Sclaiathos, Melindronia, Carpathos, Nissiros, Simi, Chaliki, Episcope, Cassos, Ægina, Salamis, Angistron, Poros, Hydra, Spezzia, and Ipsara. The inhabitants of these islands do not exceed 300,000 souls, of whom 50,000, including 30,000 excellent seamen, are capable of bearing arms. The revenue raised during the last year in this portion of the confede-

ration, is estimated at 200,000 Spanish dollars. The island produce consists of wine, silk, wool, valonea, sponges of the first quality, and various fruits. The number of merchant-vessels belonging to the islands attached to the confederacy is computed at about 2500, of which one-third are ships and brigs.

There can indeed be no better proof of the internal resources of the confederation, than in the fact of its having carried on a successful warfare against the whole force of Turkey and the Barbary states for three years, without borrowing a farthing, or receiving any assistance of consequence from without ; and yet the whole of its debt, including the first loan contracted in this country, does not amount to five millions of Spanish dollars.

Some notion may be formed of the riches of Greece, when I state, on the authority of the best political economists of the country, and after careful inquiry, that whenever the Government shall be in a situation to dispose of the national property, the olive plantations alone will yield a sum of more than fifty millions of Spanish dollars.

A LETTER

TO

THE RIGHT HONORABLE ROBERT PEEL,
SECRETARY OF STATE FOR THE HOME DEPARTMENT,

ON THE

INJUSTICE AND IMPOLICY

OF

ARREST FOR DEBT;

ALSO RECOMMENDING A BETTER AND A MORE SUMMARY
METHOD FOR THE RECOVERY OF

DEBTS AND EFFECTS IN GENERAL.

BY HENRY JEMMETT.

ORIGINAL.

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X



PREFACE.

THE author of the following letter has stated his opinions with the more confidence, as he is aware they coincide with those of many other persons, and has derived his testimony from sources of intelligence which cannot be disputed. He therefore trusts they may be considered of greater weight and veracity, especially as they are quite impartial, and the means he recommends would operate to the benefit of both the parties themselves, and indeed of the whole community. It may be remarked, that wherever an end to be obtained is simple and defined, the method by which it should be sought cannot be too little complex; and the world may justly censure any system which is neither founded on reason or equity, nor is moreover attended generally with the result which was meant to follow its operation. When it, however, affords particular scope for the excitement and display of the worser passions, and the ill-usage of the already unfortunate, any custom becomes more reprehensible; nor can it be viewed without the greatest abhorrence, and even terror, under the conviction that the first design of its establishment (if any positive meaning existed during the dark ages when it was suffered to creep into use) may be entirely perverted, and that what was then considered necessary to the administration of justice, may be now turned into an engine of malice, fraud, and oppressive persecution. Lastly, it may be urged, with propriety, of *every* law perhaps which had its origin in those times, that it is totally unfit for the present state of society; but of not one can it be asserted with more force and confidence than of that which grants to any creditor, at his own will and caprice, the power of corporal "arrest for debt."

A LETTER,

&c. &c.

TO THE RIGHT HONORABLE ROBERT PEEL, &c.

SIR,

THE judicious and humane attention you are now paying to the legal as well as political institutions of this country, which has been shewn by the late regulations enacted under your auspices with respect to those important questions, frivolous Writs of Error, and the Trial by Jury, and the hopes and promises held out that a total revision of our laws will in time be effected by the same able and unwearying hand, encourage me to submit for your consideration the justice or policy of arrest for debt on mesne process, or what is technically called the *capias ad respondendum*, which has long appeared to many reflecting persons a harsh, and, except so far as it has been sanctioned by long existing custom, an unwarrantable proceeding, and infringement on the liberty of the subject, besides being an infliction of as yet an undeserved punishment. The consideration of which topic will also lead me to a discussion of the propriety or impropriety of personal confinement even after trial and proof of the debt, or the *capias ad satisfaciendum*, a part of our law which, it appears to me, might be also safely done away with, as being injurious to the interests of both creditor and debtor in most points, and in all points to the interests of the state in general. In treating of these subjects, it will be my intention to consider them not more in a legal, than a political and moral point of view; and if I am able to prove, Sir, that personal arrest for debt is detrimental to the welfare of society in almost every case, I feel convinced, from what has lately taken place, you will agree with me that, as it is the part of a legislator to procure a due administration of the existing laws, so is it his duty to alter those laws themselves, when they shall be found to oppress the subject

unnecessarily, and to militate against a better policy that might be pursued, whilst they also tend to demoralise a considerable part of the community. I do not feel it requisite, however, from that declared intention, to state my opinions under those distinct heads; yet it will be easy, particularly for a person of your discrimination, to see the different bearings and applications in my adopted progress of the subject; which it appears to me would be effected more clearly by giving with the utmost candor, but with all the conciseness possible, the reasons that may be urged pro and con on the present system of personal arrest for debt. It will not be amiss, however, primarily to advert to the antiquity of that law, which has, and may again be urged as an argument in favor of its continuance. Though, if I may judge, Sir, from your known liberality of mind, and indeed your recent proceedings, such a plea would have little influence with yourself, if not on the other hand tend to prove it more unfit for the present enlightened and less barbarous times. It must be owned, then, that imprisonment for debt existed amongst, if not previous to, the Jewish nation. From what we can learn, though, on this head, arrest on mesne process, or on the oath of any one individual, was not practised even amongst them; but a legal conviction of debt was to be proved *before a judge*, when, and not till then, the body might be taken, as is now allowed by the *capias ad satisfaciendum*, and confined until the demand was paid. This is the meaning of that passage in the Gospel of St. Matthew, v. 25, &c.: "Agree with thine adversary quickly, whilst thou art in the way with him: lest at any time the adversary deliver thee *to the judge*, and *the judge* deliver thee to the officer, and thou be cast into prison. Verily I say unto thee, thou shalt by no means come out thence, till thou hast paid the uttermost farthing." Though this, however, was the authorised practice of the Jews, which in itself is a more just and humane proceeding than the arrest on mesne process, or on the bare and individual affidavit of debt now allowed by us, yet even that is condemned by the same high and incontrovertible authority in another part of the Scriptures. Matt. xviii. 32, &c. "Then his lord, after that he had called him, (who threw his fellow-servant into prison,) said unto him, O thou wicked servant, I forgave thee all that debt, because thou desiredst me: Shouldest not thou also have had compassion on thy fellow-servant, even as I had pity on thee? And his lord was wroth, and delivered him to the tormentors, till he should pay all that was due unto him." It must not be objected in this last citation, that the servant alluded to had the power of *his own accord* to throw his fellow-servant directly into prison, like our arrest on mesne process, since the parable quoted before, seems to militate against that idea and the delivery *to the*

judge therein mentioned might be omitted, as unnecessary a second time, and for the sake of brevity; nor can it be urged, with propriety, that the present parable applies solely or chiefly to trespasses of another kind, or at all events it must include imprisonment for debt as well, which is here in toto so strongly condemned, as being a proceeding devoid of that justice and charity which should be universally practised. It is scarcely to be expected, however, that benevolence to such an extent should prevail in any, much more a devotedly commercial, country; yet if the *Jews* were allowed by Moses, their lawgiver, some privileges, on account of "*the hardness of their hearts*," Matt. xix. 8, it surely is not too much to expect that a *Christian* community should disapprove of, and abrogate any and every part of their law, which the *Jews* themselves thought too severe, if not unjust and unnecessary, and which I hope to prove to be so under every consideration in which at present it can be viewed.

I have ventured to make the foregoing references to you, Sir, though they might be thought irrelevant by many persons, as it is my impression you reverence those writings from which they are taken, and are aware they have been the guides to the formation of our criminal if not our civil code of laws. They also show that the advocacy for certain forms and systems to continue merely because they are very ancient, would, in this instance, be misplaced, at least in part, and that the power of arresting the debtor's body before examination of the cause was then prohibited. Amongst the Romans also it did not exist in that shape, nor even, I believe, after judicial proof. Their law of *cessio bonorum* corresponding with the ancient British law of *attachiamenta bonorum*, except that the one was voluntary, whereas the other resulted from some legal proceeding, but which seems indeed to have been founded on it, militates against the supposition that the person was at all liable in civil cases:—and the lovers of antique jurisprudence will find it difficult to prove that the *capias* was established, as it now is, much before the time of the third Henry. Until that period the process of any suit was carried on without the compulsion of the defendant's personal appearance, enforced by the present system of arrest, through a summons issuing from the court in which it was to be tried, as is now the case in some instances, and to which alone every plaintiff should be restricted. It is worth while to dwell a moment on the reason why arrest of the person on *mesne* process was then instituted. In that less refined period, when the passions of men were more turbulent and uncontrolled, the demand of a debt often excited the anger of him who owed it, and a *breach of the peace* frequently ensued. Our legislators then provided a *capias* to prevent this, and as a punishment for the *breach of the*

peace; or in case a defendant neglected to appear to the suit, or had no goods to be attached. Thus imprisonment was then had recourse to only as a punishment for *some wrong-doing* of the debtor, and not as is now often, and generally the case, from the simple circumstance of owing money, unaccompanied with any species of personal misconduct on his part. In such a matter, I beg to observe, that the *cessio bonorum* is the highest execution to which a debtor ought to be subject, and the most which a Christian creditor ought to desire, or an enlightened country can be justified in authorising, except it be proved on inquiry, that by misrepresentation, fraud, or unbounded extravagance, the former has contracted unjust debts, thus committing a punishable misdemeanor against society in general, for which, and which only, he should suffer imprisonment. I will now, Sir, go on to treat the subject of arrest as I premised, by stating the few arguments that appear to me may be mentioned in favor of it, though they seem of little weight. It will be allowed, then,

1st. That a creditor ought to have some kind of power over his debtor, and that the threat of arrest, or an actual arrest, may compel an unwilling or indolent person to procure and pay the money he owes.

2d. That in case of action on mesne process, arrest, or the forcible detention of the person, may prevent a man secreting himself, or leaving the kingdom with perhaps a part of his property, to avoid appearance in court.

As to the first, it will not be denied, that the good of society and benefit of commerce, demand the existence of some kind of power in the hands of the creditor to enforce the payment of money that may be due to him; but they do not require, or rather are inconsistent with, the extreme and important authority he now enjoys over the person and liberty of the debtor. Imprisonment is an execution of the highest nature, and is not to be put in competition with money or goods:—they should be repaid by similar commodities, money and goods only. The very concession made under this head is an evidence of the terror in which arrest is held, and of the super-adequateness of the punishment to the alleged offence. If then a plan can be pointed out by which the goods can be immediately attached without a reference to the person, it would be more just and humane that such should be adopted. The end of the creditor would be gained where it was possible to effect it, as is now allowed to be the case under such circumstances, and by a more equitable method than is too often had recourse to.

The second argument, conceded in favor of arrest, which is indeed the legal one, and the general pretence of its necessity and

justification, is mentioned more for the sake of form and an admission of the propriety of furthering in every way the ends of justice, than from a conviction of its utility, even for that purpose. It is intended to compel a person to appear in court on a certain, and perhaps very future day, to answer a charge of debt laid against him, for which and alone the creditor is empowered on a simple affidavit of debt, to seize the defendant's body whenever he chooses, and thus inflict the highest injury that can be suffered by any one, short of absolute destruction, under the pretence of promoting the cause of justice and equity. This general power of arrest, which I have before remarked was first founded for the *preservation of the peace, and to prevent its disturbance*, and which could be at the beginning of its institution put in force only under such circumstances, is said to have been afterwards granted to every plaintiff, from the then increasing non-appearance and inattention of the poor and needy defendants, who occasionally neglected the progress of the law, though guilty of no breach of the peace. Thus a precedent was established, or rather a legal enactment made, on account of a few impoverished individuals, in a period of comparative ignorance and barbarity, which has strangely existed till the present time, to which it is no more applicable than many of the obsolete penal statutes of the criminal code. One course of legal proceeding shows indeed that the other is not necessary; for a mere notice of action and appearance by attorney is held sufficient in many cases, and generally secures the desired end; but should it be possible that under such a plan the defendant might occasionally avoid appearing to a suit, would it happen once in a hundred times? and are then the ninety and nine to suffer, or be subject even to such sufferance, because one might try to defeat the progress of justice? Could that one indeed do so by his absence, or would he not bring down on himself an injury ten-fold greater than what he ran from? In mitigation of the severity of arrest, it may be urged, that bail can be put in, and its horrors for a time avoided. Still, both legally and morally speaking, such a state is one of imprisonment, to which no one for debt alone, unaccompanied by crime, should be subjected; and the privilege of bailing, indeed, exhibits, when fairly considered, an accusation against, instead of an argument for, the law of arrest. Whatever requires modification in legal enactments proves the law itself to be intrinsically bad;—that it is too indefinite or severe, requiring a kind of provision against its injustice, and furnishes good grounds for its total abrogation.

I will now, Sir, proceed to the arguments which, as it appears to me, may be directly urged against the law of personal arrest for

debt, both on mesne process, and even in execution, and which are much more numerous and weighty than the two conceded in behalf of it. They are as follows :

1st. The liberty of the subject is at all times too sacred to be infringed upon, except from political necessity, and for the general good of the state, as in misdemeanors and criminal offences ; when imprisonment may be awarded as a punishment upon conviction ; and it would then necessarily remain as a stigma upon the character of the offender.

2d. Though the prisoner for debt feels it as a serious hardship, yet knowing himself to be free from crime, he now considers to have been in gaol no disgrace to himself, nor is it so estimated by others on that very account.

3d. This hardship, which is what the criminal law inflicts as a punishment, and consequently is of the same nature to the debtor, under the present system of arrest, is borne by the latter *even before conviction* ; and has been often undergone for a length of time when the proceedings have been discontinued for want of justice in the claim ; or if gone on to trial, no proof of debt could be established ; or it has been done away by a set-off, &c.

4th. Imprisonment is not unfrequently had recourse to by the oppressors of the weak and imbecile, especially in the female sex, either out of revenge and malice, or to prevent their pursuing claims to property, &c.

5th. It at all times, with respect to any suit at law, places the defendant (which should not be the case) on a worse footing than the plaintiff ; since he cannot have so frequent access to his professional men, or attend to the necessary proceedings, evidences, &c.

6th. It throws the unfortunate, but virtuous, debtor into the company of, and unavoidably close intercourse with, the vicious one, or even the criminal offender ; which generally tends to demoralise his mind, and render him, who might otherwise have continued to be an acquisition, a nuisance to society.

7th. The change of air and habits, or the effect produced on the mind by imprisonment, not unfrequently occasions serious illness, and even premature death.

8th. It invariably wastes the property of the debtor, increases law and other expenses, prevents communication and arrangement with the creditor, and often occasions a recourse to the Insolvent Act, which might otherwise be avoided.

9th. It establishes the necessity of an Insolvent Court, which might be otherwise done away with.

10th. The fear of arrest drives many persons to spend their incomes abroad, whilst imprisonment is borne by others for the

sake of retaining that property, which ought to be delivered up to their creditors.

11th. It creates a too great fulness in the present gaols, which are inadequate to the number of prisoners.

12th. The power of arrest encourages tradesmen to give extensive and improper credit, under the idea of thus enforcing payment, which, if it were done away with, would not be granted.

13th. Imprisonment for debt occasions a serious injury to the virtuous and innocent families of those who suffer it, by subtracting their protection and support; and also to the state, by the loss of labor during the incarceration of so many artisans, mechanics, &c.

14th. It is a partial law, since peers and peeresses of the realm, members of parliament, and attorneys, are exempted therefrom, with some others.

15th. It is unnecessary, as well as unjust, as may be evidenced by the practice of many other states, and of our own Court of Chancery, which does not require it; whilst the end desired, a speedy and impartial payment of money, or surrender of property by the debtor, may be effected better by the Court of Reference hereafter to be spoken of.

16th. Plan and description of a court to be called the Court of Reference.

I will now, Sir, proceed to explain and enlarge upon these several objections to arrest for debt, in their regular order, as before set down. With respect to the first argument against it, viz. 1st, That the liberty of the subject is at all times too sacred to be infringed upon except from political necessity, and for the general good of the state, as in misdemeanors and criminal offences, when imprisonment may be awarded as a punishment upon conviction, and it would then necessarily remain as a stigma upon the character of the offender.

It is universally agreed, that personal liberty is the highest gift of Providence, and one of so great importance, that without it no other blessing can be participated in, as it should be. It is the public right of every peaceable and loyal subject, a privilege sanctioned and provided for by the enactments of Magna Charta, protected by all subsequent laws (*except the one now complained of*), and further defended by the improvements lately adopted by yourself, Sir, in the trial by jury bill. A part of our criminal code, moreover, does its utmost to prevent any trespass upon personal safety, by rendering every one liable to an action and damages for an assault, who lays his hand upon another, or even threatens by any almost insignificant motion so to do, notwithstanding perhaps much serious provocation:—yet our present civil code will authorise the same person to take the whole body and incarcerate it in

prison, without even the least provocation on the part of the debtor, and with a mind perhaps on his side already broken down by care and misfortune, for the trifling sum of fifteen pounds. If an injury so slight as the foregoing be prohibited, which in many instances can be said to inflict no harm on a *single particle* of the corporeal frame, and yet has obtained heavy damages at the hands of a jury, is it consistent to allow a merciless creditor to take the *whole body*, and do it, in all probability, a lasting injury, for a paltry debt? Can you, Sir, permit those privileges, which it must be evident are so dear to the whole human race, and especially to Englishmen, and for which you have so laudably been exerting yourself, to be violated by the unnecessary, and for the most part uncalled-for malice, oppression, and hostility, of single individuals? Can you also, who have thought it proper to place a shield before the suspected criminal, suffer the really virtuous, though unfortunate debtor, to lie bare and undefended at the feet of his over-bearing creditor? When your attention is once called to the subject, I am almost sure, not. I venture to affirm that you will see the rigor and injustice of imprisonment for debt; that you will agree with me, the liberty of the subject ought never to be attacked except on other and higher grounds than any commercial transaction; and will rise superior in your estimation of its importance even to the learned Lord Hardwicke, who declared from his judicial seat, that "he thought a year's imprisonment was equal to the discharge of any amount of debt whatsoever." But, Sir, it often happens, as the law now stands, that the debts themselves are ultimately paid, and yet imprisonment undergone. Contrary to the not-over-merciful tenets of the profession itself, a debtor, then, pays both "in person and pocket." Thus the liberty of the subject is still more unjustly infringed upon: he is punished where no punishment is due, and suffers what can be justified only upon those who have committed actual offences against the state or society in general. The mere and perhaps unavoidable contraction of debt, which has not been effected by fraud or unbounded extravagance (and I will venture to say that more than four-fifths are of this description), cannot be considered even by the utmost uncharitableness to constitute such an offence. Where these, indeed, have accompanied it, let the person so conducting himself be, upon proper evidence, deemed a delinquent; and, as is the custom now with the Insolvent Court in a remand, let him be sentenced by the Court of Reference to imprisonment for a time, according to the magnitude of his offence and the amount of his misdemeanor. It then would remain as a stigma upon his character, and preserve a proper distinction between the virtuous and vicious part of the community.

2d. Though the prisoner for debt feels it as a serious hardship, yet knowing himself to be free from crime, he now considers to have been in gaol no disgrace to himself, nor is it so estimated by others on that very account.

Under this head I have to observe, Sir, that were imprisonment restricted as it ought to be, and visited only on delinquents, it would be felt by themselves as disgraceful; and with respect to general opinion, would establish a proper and decided mark between the worthy and unworthy members of the community. As it now exists with regard to debt, so well known is the integrity, though overpowered by misfortune, of many who have suffered it on that account only, that their acknowledged virtues throw a cloak over the vices of others in the same state, but from less innocent causes, and to have been incarcerated is scarcely considered at all disgraceful. Should, however, the reverse opinion be held, and that every man's character is tainted thereby, it proves imprisonment, if merely on that account, to be equally unjust towards the virtuously unfortunate, who deserve compassion and help, instead of neglect and aspersion of character.

3d. This hardship, which is what the criminal law inflicts as a punishment, and consequently is of the same nature to the debtor under the present system of arrest, is borne by the latter even before conviction, and has been often undergone for a length of time, when the proceedings have been discontinued for want of justice in the claim; or if gone on to trial, no proof of debt could be established; or it has been done away by a set-off, &c.

There seems to me, Sir, as regards imprisonment, a strange and inconsistent want of distinction between criminal and civil processes; which subject the parties, though very dissimilar in point of culpability, to the same state of confinement and privation. The criminal is an offender against society—the mere debtor cannot be so estimated—nor often even to the one person who is his creditor. The punishment (for it cannot be called otherwise) of imprisonment is, nevertheless, imposed on both. The former indeed has some advantage in one respect over the latter; for he is never committed until some satisfactory evidence of his criminality has been given before a *disinterested* party; whilst a single and *interested* individual may deprive the latter of his liberty, under the pretence of appearance to a suit, by making affidavit of a debt being owing to the paltry amount of £15 only, *but which is at that time proved before no one*. Thus the poor debtor is sent to prison without the least evidence, examination, or legal proof. He is punished before he is even convicted, after the horrible plan of the feigned Rhadamanthus, in a region more fitted for this kind of injustice, who inflicted punishment first, and after

a time, is said to have tried the cause, and added torture to extort its merits by confession :—a good mythological description of, and satire on, the present law of arrest on mesne process. The evils to which this power of arrest exposes some parts of society, and those most deserving of increased protection, are very great. Imprisonment has too often been borne for a length of time when no just debt has been owing; and though the law itself allows a power of superseding an action when not properly continued, and thus the obtainment of liberty, it does not sufficiently assist any one to regain compensation for the losses he has sustained during his previous and undeserved confinement, and almost the greatest bodily injury he could have by any means suffered.

4th. Imprisonment is not unfrequently had recourse to by the oppressors of the weak and imbecile, especially in the female sex, either out of revenge and malice, or to prevent their pursuing claims to property, &c.

Perhaps, Sir, there is scarcely a professional man of any extent of practice who has not been concerned in, or heard of, cases of this description, where debts have been purchased or concocted in some way or another, to wreak a spirit of ill-will, or promote some iniquitous objects against those who, from mental or bodily weaknesses, demand the peculiar protection of the laws, which are thus shamefully put in force against them. The first step pursued is to get those persons, by some means, in prison, and to reduce them to the last extremity of want, for the purpose of a forced accession to particular views. This injustice has been acknowledged, and even in some measure provided against, by a part of our laws themselves. It has been enacted, that as every one ought to be on an equal footing in the performance of any covenant, and as a person at liberty, and one in prison, cannot be supposed so to stand, any act of the latter, except done in the presence of his attorney and supposed adviser, may be nullified by him. Now this, like the privilege of bail, was instituted to thwart an evident and serious evil, is a striking proof of the disadvantage under which a prisoner always labors, and is a strong argument for the repeal of the law of arrest. It places the parties concerned in an unequal condition; and perverts, instead of forwards, the fair ends of justice. Indeed, it is put in force, not unfrequently, to prevent the prosecution of just claims, and to prolong the illegal holding of fraudulently obtained property.

5th. It at all times, with respect to any suit at law, places the defendant (which should not be the case) on a worse footing than the plaintiff, since he cannot have so frequent access to his professional men, or attend to the necessary proceedings, evidences, &c. Where, however, the claim of the plaintiff is tolerably well-

founded, and the cause a just though complicate one, requiring the assistance of judicial investigation, to obtain which, and the necessary evidence and preparations, each party should have an equal power; imprisonment on the one side destroys the equality of advantage, and thus militates against the fair administration of justice. A person in gaol (and bail cannot always be procured) is debarred all self-exertion, and even much intercourse with his attorney, whilst the exact merits of the case can be seldom obtained by the latter without frequent communication with his client, which is too little sought in the places of incarceration.

6th. It throws the unfortunate, but virtuous debtor, into the company of, and unavoidably close intercourse with, the vicious one, or even the criminal offender, which generally tends to demoralise his mind, and to render him, who might otherwise have continued to be an acquisition, a nuisance to society.

This is an argument, Sir, against arrest, and consequent imprisonment, of no trifling import; but the extent of the evil complained of can be appreciated only by those who have been eyewitnesses of the degrading fact. The most uncharitable person can scarcely have the hardihood to think every prisoner for debt to be a vicious character, whilst the liberal heart will be disposed to admit that the majority are otherwise; still there are some, in every receptacle of confinement, whose minds are bent on the practice of chicanery and fraud, and who even boast of, and promulgate so much as possible, the arts and contrivances by which they may be effected. Revenge also is engendered against the detaining creditors, and the means to put it in practice and escape payment is a too frequent theme of conversation. This disposition, which is almost too justifiable under such treatment as has been experienced by the prisoner, is soon created, even in a once virtuous bosom, and those good principles are undermined, which, before such intercourse, existed in full force, and might have still benefited society. The time too which used to be spent by him, and would, but for his imprisonment, be passing in honest industry, is, during that period, consumed in unprofitable idleness, and often in extravagant debauchery. Habits are engendered, of every vicious description, to the ruin of his morals and his health; and if he even withstand the evils that present themselves in the latter respect, he is almost sure with regard to the former to go out of prison a worse man, and a less deserving and useful citizen than he came into it.

7th. The change of air and habits, or the effect produced on the mind by imprisonment, not unfrequently occasions serious illness, and even premature death.

Though this statement might to many appear overcharged, I beg to assure you, Sir, that it is founded in truth, and that several

instances might be brought forward to corroborate the argument. Dissipation is almost always an accompaniment of leisure in common and once occupied minds, which cannot but have an unfavorable effect on the constitution, especially when joined with an alteration of air and general habits. When, however, the temperament is of another cast, and the person is possessed of generous feeling or acute sensibility, the change of his state, the bereavement of his liberty, family and friends, the local inconveniences he becomes subject to by imprisonment, and perhaps the fear of want, not unfrequently have such an effect on the mind, as to produce serious illness, and even organic disease. The body, sufficiently exposed to danger from other causes, without the prejudicial influence of mental disorder, becomes unable to withstand the united attack, and the poor victim of malevolence and persecution falls a prey to death in the very last place where he would desire to meet it.

8th. It invariably wastes the property of the debtor, increases law and other expenses, prevents communication and arrangement with the creditor, and often occasions a recourse to the Insolvent Act, which might otherwise be avoided.

It will readily be allowed, that scarcely any person can obtain credit (it is fit at least he should not) so as to subject him to arrest for debt, unless possessed of some kind of property, and that it is, or ought to be, the sole aim of his creditor to possess himself, when using the process of arrest, of a share of that property equivalent to his debt, and so soon as may be. If the former owe more than he can pay, a fair division of his effects amongst his general creditors is the end to be desired and approved of. Whether imprisoning him furthers either of these purposes, is the point of discussion. Except the concession granted before in favor of arrest, it may be certainly affirmed that it does not. When a debtor is in fear of it, and cannot pay, he naturally devises some means of raising enough money to keep him during his expected sojourn in prison, or if he be taken unawares, his friends will help him so to do by disposing of part of his stock, or collecting his debts, &c. And who can blame him for this precaution? He cannot starve there, nor is it meant by the law that he should. This money is consequently lost to the creditors, which, under a better system, would be immediately given up to them; and his remaining goods and general affairs suffer more by his absence, to *their* injury, than even the expenditure mentioned above. The creditors are, therefore, in the generality of instances, positive losers instead of gainers, by throwing a man into prison. It increases every one of his outgoings, particularly his legal expenses, and his effects are consequently diminished. Where these too are greater than his debt, and a surrender or division of them is not required,

imprisonment prevents the necessary exertion to procure money or communication with a creditor for an arrangement. It adds also to the amount of debt by law expenses, with an apparent inconsistency that a person may be able to pay a larger who cannot pay a smaller sum; and often, from these combined causes, obliges a debtor to seek his liberty under the act established for that purpose, which, had he not been imprisoned and oppressed, he might have ever avoided.

9th. It establishes the necessity of an Insolvent Court, which might otherwise be done away with.

This institution, Sir, wise and humane in its nature, and requisite on every principle of charity, so long as the law of arrest for debt shall be suffered to exist, I cannot but consider, nevertheless, to be like one or two points I have mentioned before; viz. an indirect accusation of its policy and justice. It has been established to prevent malicious and revengeful creditors keeping those debtors imprisoned who are willing to surrender their properties, or have none to give up, to their creditors: in the latter case, seeking an inhuman and protracted punishment of the person in lieu of payment of their demands. This institution, Sir, I conceive to be a defence of the weak and unfortunate against the bad passions of the stronger and more prosperous part of mankind:—it is delivering the oppressed from the hands of the oppressor. Yet, Sir, as prevention of injustice is ever a greater desideratum than a relief from its operation, would it not be better to abolish arrest for debt entirely and at first, than nullify it in part by a subsequent process? May not this court, which is established to mitigate imprisonment, be considered as a direct attack on the propriety of its first step, and of the whole system of arrest? It may be taken, I think, as an axiom, that whatever produces ultimate ill effects, that whatever law requires mitigation and amendment, is wrong and imperfect in se; and as it has been thought, and justly so, that the Insolvent Act was necessary to guard against the bad results of arrest, it follows of course, that arrest for debt is injudicious, harsh, and oppressive. With respect to the rules and practice of the present Insolvent Court, there are many things to be condemned. As to the former, it is next to an impossibility for any one to avoid the commission of perjury in the preparation of his schedule, and the least informed are the most liable to error, and danger, particularly if possessing some kind of property; whilst the practice of the court, from a want of just discrimination in the characters and principles of the insolvent, frequently takes notice of unintentional mistakes, and a trifling non-accordance with its private rules, which the more designing know how to avoid, and remand the innocent to further imprisonment, which at no time, and under no circumstances, ought to have been borne by them.

10th. The fear of arrest drives many persons to spend their incomes abroad, whilst imprisonment is borne by others for the sake of retaining their property, which ought to be delivered up to their creditors.

It will not be disputed, that as one of the great ends of national policy is to increase the revenues of individuals, and consequently of the state itself, so it is another to contrive and ordain as much as possible, that the whole of those revenues should be expended at home. It therefore follows, that whatever shall induce any part of the community to reside and consume their fortunes elsewhere, is inconsistent with its best interests, and hurtful to national prosperity. During the late period of agricultural distress this evil was much dwelt upon, and absenteeism has ever been held most injurious to the welfare of our sister country. From apprehension of arrest on the part of numbers of British subjects, it has been calculated that the state is deprived of an advantage in expenditure to the amount of nearly two millions annually, which sum is remitted abroad for their support ; but if that power were abolished and the foreign residents thereby induced to return, which undoubtedly would in most cases be done, the revenues would again be made beneficial, instead of being, as now, hurtful to the nation, and under a better system of obtaining payment, the creditors also would be relieved in their demands. Even a superficial view of this argument against the policy of arrest, as regards both the creditor and the debtor, is enough to convince the greatest skeptick of the propriety of its repeal, and that the general interests of the former are more injured than assisted by it. In every point of view, then, but that of occasionally inducing friends to come forward in behalf of the debtor, arrest is inimical to the interest of the tradesman and general creditor ; but more especially in the one I am now going to mention, when prisoners are content (which is by no means an unfrequent case) to remain in prison, or in the rules thereof, rather than pay the monies they owe. This is a subject which has been notoriously complained of by tradesmen and every class of creditors ; and so aware are most of them that little chance exists of getting their money when a debtor has gone into the rules, that in most instances they will consent to take even the smallest part of a debt, sooner than lose, as they imagine, the whole, whenever they hear of the circumstance. So conscious too are the prisoners that a proposition of that nature will be accepted, that it answers their ends to expend a part of the money which in strict equity should go to the creditors, in purchasing that extended portion of liberty for the sake of making a better bargain with them ; or should they refuse, of consuming whatever property may come to their hands with as little restriction and

so much enjoyment as may be. 500,000*l.* per annum is the amount supposed to be thus retained and expended by debtors. In this case, previous arrest and the subsequent imprisonment become a shield to the debtor against the power and importunities of the creditor. The very means the latter thought of using to compel payment and advantage himself, prove destructive to the end he aimed at. That property is retained by the debtor for his sole use and expenditure, which ought to have been delivered up; and which, under a better system than is now in force, might have become amenable to the demands upon it.

11th. It creates a too great fulness in the present gaols, which are inadequate to the number of prisoners.

To prove this, and even many other points, advanced in this present address, I beg, Sir, to copy for your perusal the following letters from the Morning Post of the 18th July last :

TO THE CHARITABLE AND HUMANE.

Mr. Jones, Marshal of the King's Bench prison, begs leave to solicit the assistance and subscriptions of those who have the means and inclination to relieve the distressed, on the behalf of two modest, respectable, and industrious, but unfortunate young women, who have been *most cruelly* obliged to take up their abode within the walls of the King's Bench prison, under the circumstances stated in the following letter from a most respectable gentleman to the Lord Chief Justice of the Court of King's Bench: viz.

My Lord,

Your benevolent sympathy is earnestly implored for two most respectable young women, who, *after years of labor, suffering and privation*, can struggle no longer with their difficulties; and who, from *the impatience and oppression of a few tradesmen* to whom they owed *comparatively but little*, are now confined within the walls of the King's Bench prison, and every thing they possessed sold by public auction. They are a part of a family of six, and by the death of their parents, some years since, were left destitute of friends. The younger part of the family, dependent on them, and encumbered by the debts of their respectable, but unfortunate parents, who had been deprived of their all by the failure of a country bank. They endeavored by a ladies' day-school to maintain themselves and their younger sister and brothers, and though they met with support, their parents' debts (which they wholly repaid) kept them low in the world, and were an incumbrance they could not eventually surmount. Many of the surrounding families, respecting their exertions, have sympathised in their misfortunes; a temporary school-room had been hired,

and their sister (who, being a minor, had not been a participator in their misfortunes) has been assisted in her duties by several ladies. Not one scholar has in consequence been removed, and this appeal is therefore made to the affluent and humane, hoping that by their contribution a sum of from 200*l.* to 300*l.*, necessary to their re-establishment, may thus be raised, and a deserving family may be rescued from the accumulated miseries of poverty and want. I am, your Lordship's most obedient humble servant,

MATTH. ROWE, Surgeon,

No. 15, Burton Crescent, Russell Square.

To the Lord Chief Justice of the Court of King's Bench.

The Lord Chief Justice immediately forwarded this letter to the Marshal of the King's Bench, for his report on the subject, which was made by letter, of which the following is a copy: viz.

My Lord,

The two young women alluded to in Mr. Rowe's letter were committed here on the 4th of May last, and I confess that I never felt more compassion for any prisoner in my life, than I did for them on their first coming here; when I made a point of seeing them immediately, and did every thing in my power for their accommodation:—but, alas! bad is the best in the *present crowded* state of the prison, when *the good and the bad are obliged to be huddled together, as they now are.* The state of these two industrious, unfortunate, *modest young women is truly deplorable,* and has not been at all exaggerated by Mr Rowe (who is a very respectable man) in his letter to your Lordship. I would instantly have given the rules, free of expense, if it had not been for the *cruel* clause in the last Insolvent Act, which prevents their taking the benefit of any Insolvent Act without being prisoners within the walls, *which is a most severe punishment* on these two deserving young women, BEFORE THEIR CASES HAVE BEEN HEARD. *There are great numbers of unfortunate persons here, in the same situation; but fortunately not many women at present. It is truly distressing to see so many people, who have lived comfortably in the world, under the necessity of going through such privations as they do, in the present state of the prison; but for two such innocent, respectable young women, as the two Miss —— are, to be obliged to witness the scenes that they MUST submit to do, in this place, is DREADFUL.*

I made a point of inquiring into their character and conduct, as soon as they came here, and I verily believe that they are real objects of charity and compassion, and deserving of assistance from those who are able to give them any; particularly towards

setting them up again in their school, after they are discharged from this place.

I have the honor to be, My Lord,

Your Lordship's faithful and obedient servant,

WM. JONES.

King's Bench Prison, June 21st, 1825.

To the Lord Chief Justice Abbot, &c.

Subscriptions will be received by Wm. Jones, Marshal of the King's Bench prison, who will be answerable for the proper application of them; also by his bankers, Messrs. Jones, Loyd and Co., Lothbury; and it is presumed that any of the other bankers in the metropolis will willingly receive subscriptions for so laudable a purpose.

WM. JONES, Marshal of the King's Bench Prison, July 1825.

Names of Subscribers.

The Lord Chief Justice Abbot	-	-	-	15 <i>l</i> .
Wm. Jones, Marshal	-	-	-	5 <i>l</i> .

Though I have placed the foregoing advertisement under this head of argument, as the one to which it was meant by the writer more particularly to apply, I beg, Sir, to call your attention to its contents, chiefly for other and more general reasons; and to those points especially which clash, in so direct a manner, with several observations I have already brought forward, or may hereafter urge, on the injustice and impolicy of arrest for debt. The author of the second letter cannot be supposed for a moment to be the persuaded advocate of its abolition, since the measure would much interfere with, and greatly reduce the emoluments of his office. The testimony derived from that quarter must be therefore wholly disinterested, and would probably be even censured by the writer in its present unforeseen application. Still it is evidence in many parts, and, as coming from a practical and experienced person, in every part as strong as could be procured against that part of our laws I am now condemning; and I presume to point out the expressions printed in Italics, (in which only the copy differs from the original,) as bearing more especially on the subject in question. You will there, Sir, perceive, that the Marshal designates the arrest of his two protégées *most cruel*; and it is to be observed, that as this is by no means a singular case, what will apply to one must apply to all; at least to all those many cases which have not been accompanied with crime. These latter cases of criminality founded on debt are comparatively few, and might be provided against, as has been before suggested, whilst imprisonment must surely be in every other case and generally condemned for those

who have been previously afflicted with *years of labor, suffering, and privation*, the lot of almost all who now become subject to it. And can you longer consent, Sir, that the *impatience and oppression of a few tradesmen, and for comparatively but little*, should have the power of robbing 40,000 subjects annually of their very highest privilege and enjoyment—their liberty? Will you not also perceive, that it was the bad passions of those tradesmen (passions which the law ought to check instead of encourage) that prompted them to have recourse to its worst and most inhuman part; and moreover, that the step was contrary to their own interest, and prevented, instead of accelerated, the payment of the debts? Now had the Court of Reference, hereafter to be spoken of, been established, and the debtors been summoned before the commissioners, such an arrangement might have been adopted and enforced as would have been beneficial to both parties; viz. by saving the imprisonment so strongly condemned, on the one side, and obtaining on the other a gradual discharge of their now lost claims. In the letter of the Marshal you will, too, observe, Sir, a confession of the *crowded state* of that, and in natural consequence of *all other prisons, when the good and the bad are obliged to be huddled together*,—and will find the remark corroborative of the 6th argument against the propriety of arrest for debt, to which I again beg to refer you. Though the succeeding matter relates chiefly to the Insolvent Act, I may extract from it, what indeed seems scarcely necessary, the hardship of imprisonment in general, *which is a most severe punishment* in every instance, and on all persons, **BEFORE THEIR CASES HAVE BEEN HEARD**, whether as relating to that court or any other, in which examination may be necessary, or a trial proceeding. Arrest on mesne process is thus most strongly condemned in a manner undesigned, and by a person who had no intention of doing so—whilst *there are great numbers of unfortunate persons in the same situation; and it is truly distressing to see so many people, who have lived comfortably in the world, under the necessity of going through such privations*. I will leave you to judge, Sir, whether the effects I have declared in my 7th argument, as arising from arrest and subsequent imprisonment, are much overcharged: whether previous and perhaps long-borne misfortune *ought* to arrive at this climax of misery, or it be not likely to operate on the mental and corporeal powers in the way I have there stated. That it has however done so in several instances, can readily be proved. So full too has been the prison of the King's Bench with debtors, that the Marshal has been obliged to issue an order, allowing many of the prisoners to sleep in the chapel, or they must have remained all night in the open air, exposed to whatever weather, storms, or tempests might occur. Surely, Sir, this is not a state for a virtuous

and respectable man, whose mind had been previously broken down by misfortune, and his health probably impaired, to be placed in, merely because he owed a few pounds, and that debt perhaps disputed ! Surely this is not the way in which one fellow-creature should treat another, and in a Christian country ! Besides the indelicacy of making a place of worship the nightly shelter of these wretched prisoners, though the necessity of the case might demand it, many other inconveniences attended the step, which proves, that if the present law of arrest for debt only be suffered to remain, other and great expenses will accrue to the nation, from the necessity of considerably adding to the present or erecting new places of imprisonment ; whereas, were it abolished, or imposed as a punishment only on those who accompany the contraction of debt with misdemeanor, the existing prisons would be fully, if not more than sufficient, and the virtuous and vicious debtor could be thus kept apart, and distinguished in society. To have been in prison would then be held a disgrace, and the community might be guarded against its once inhabitants, by a regular publication of their names ; as is now done by a certain institution in the city, with respect to swindlers and persons unworthy of confidence.

12th. The power of arrest encourages tradesmen to give extensive and improper credit, under the idea of thus enforcing payment, which, if it were done away with, would not be granted.

It has frequently been observed, Sir, that the nearer any kind of business approaches to a ready money trade, the better it is for both the seller and the purchaser. A less profit will answer the purpose of the former in such a case, whilst the cheapness of the goods will be beneficial to the consumer. Where much credit too is given, it is an inducement for thoughtless and extravagant men to order more than is necessary ; from which, as some bad debts must ensue, the tradesman puts on all his articles a proportionately higher price, and the regular payer is thereby injured. This credit or trust would not be given were the present power of enforcing payment, or rather of wreaking on the object a spirit of revenge, engendered by any default of payment, done away with. Tradesmen would be more careful in inquiring into the characters and pecuniary ability of those who purchase of them, a neglect which is now often censured by the magistracy, and all commercial transactions would assume a more solid form. The bills of exchange, especially those in the way of accommodation, would be considerably lessened in issue, which now inundate the market ; as it would be the interest of every receiver or discounteer to make himself better acquainted with the respectability of the parties concerned, and cash or refuse them as their credit deserved.

13th. Imprisonment for debt occasions a serious injury to the

virtuous and innocent families of those who suffer it, by subtracting their protection and support, and also to the state, by the loss of labor during the incarceration of so many artisans, mechanics, &c.

Though many deprivations must necessarily attend every part of a family belonging to a man in debt, yet they could be borne for a time with some patience and hope, under the affectionate eye of the husband and father, whose presence would be a consolation to the afflicted circle, and moderate the grief which was so little deserved by them; but when that protection and support is taken away by his arrest, when their domestic adversity becomes heightened by his forced departure and imprisonment, then arrives the climax of their misery; and at a period when consolation and assistance ought on the other hand to be administered. The loss in this case, too, is not only mental but substantial. Instead of being the means of their support, he is, during his incarceration and compulsory unemployment, a burden to his family; and, if a wider view of its ill effects be taken, from being a productive, he becomes an unproductive laborer of the state. It has been well said by our best political economists, that labor is the foundation-stone of our prosperity, and of course it should be promoted as much as possible, receiving from no quarter any check or hindrance whatsoever; yet by the present law of arrest and imprisonment, though in many instances only temporary, yet important in an aggregate view of the subject, thousands of our mechanics and artisans are shut up from society and exertion, whose collective loss of labor becomes of serious amount, and who, during those periods, are living on, in lieu of helping, the community. Nor does the whole evil rest here, as has been proved before; habits of idleness and dissipation are gained, to say nothing of chicanery and a tendency to fraud, which may exist through many subsequent years after liberation, if not through the whole of their lives; and from being good husbands and fathers and industrious laborers, they often become noxious members of society.

14th. It is a partial law, since peers and peeresses of the realm, members of Parliament and attorneys are exempted therefrom, with some others.

I am not called on, Sir, I conceive, to dispute the propriety of the aforesaid characters being free from arrest for debt on mesne process, as the law now stands; yet, since almost every person who is subject to it has some duties to perform, with regard to the service and welfare of others or the state, on which account this privilege is granted to the former classes, it would require but a little more concession, to give it an universal extent; or, in other words, to abolish the power of arrest entirely. Though not open to that evil, these persons are amenable to every other legal proceeding in

the civil as in the criminal code; yet this part of our law, being attended with such direful consequences, makes the privileged freedom they enjoy with respect to it appear a very partial step. You must be aware, Sir, that there is nothing which reconciles a community to its laws so much as an equality in their application, which is of so great consequence in procuring an observance of, and respect for them, as their being properly administered afterwards; whilst, on the other hand, a protected party may be induced, and in this present instance I believe frequently is induced, to launch out into freedoms and extravagances under the shield which this privilege throws before them, making the legal inequality more apparent. By the rules and ordinances of a Court of Reference every person would be alike subject to an *immediate* demand and summons for debt before it, which would very materially enhance the powers of the creditor, though they may appear somewhat restricted in a general view of the case, and give him a greater command over those persons who are now sheltering themselves under their rank or parliamentary or professional privileges.

15th. It is unnecessary, as well as unjust, as may be evidenced by the practice of many other states, and of our own Court of Chancery, which does not require it, whilst the end desired, a speedy and impartial payment of money or surrender of property by the debtor may be effected better by the Court of Reference hereafter to be spoken of.

If it be considered that the *capias ad respondendam*, or arrest on mesne process, is not so very ancient a practice, that the Romans did not adopt it, that at one period the laws of England even did not permit it *unless in a breach of the peace, or to prevent disturbance*, and that the power crept in only about the time of Henry 3d, and for reasons which, though they might appear then to exist, are not in the least force at the present moment, (when legal proceedings do not require such aid, but rather suffer in impartiality and fairness by its usage,) I think, Sir, you will agree with me, that it is wholly unnecessary; and when we find other states have discontinued the custom from a sense of its injustice, which is the case in Holland, Spain, and America, without feeling any inconvenience from the removal, I the more think that you will not regard the present proposal as a dangerous experiment, but as a measure of approved prudence, justice and equity. I may add to this also, that our Court of Chancery furnishes daily precedent of the possibility of carrying on legal proceedings without arrest of the body, notwithstanding the difference of use with respect to evidence in that and other courts; as in no civil action is the person of the defendant more necessary to be present at Westminster Hall than at the former court, since the business in each may, and almost

always is, done by the attorney in the cause. Arrest of the defendant's body, therefore, is not at all necessary for the ends of justice, though the law inconsistently allows it under that plea, and by the permission opens a wide field for malicious and oppressive proceedings; which disposition and circumstance is further shown by the fact, that many suits are carried on without such a step, and that the most respectable practitioners are averse to, and think it even degrading to have recourse to the measure. They, Sir, who stand on the value of their characters, who, from motives of integrity, desire to rest on the merits of the causes in which they engage themselves, and to take no unfair advantages, disdain to put the defendant on a worse footing than the plaintiff, or to inflict on him the hardship of imprisonment, at least before adjudication. It is the inferior and unworthy part of the profession alone, they who are fond of what is called "sharp practice," without any notion of benevolence or equity, that think arrest a necessary power in their hands, and hold it to be the more requisite or desirable, as, by keeping the creditor and debtor apart, every hope of accommodation almost is precluded; business must go on, and law bills, to be paid by one party or the other (it matters not which), will be run up to their considerable gain and advantage. By such persons the exasperation of the creditor is never checked; but, on the other hand, encouraged, whilst the justice or injustice of the case, or the injury done to the other party, is not taken into consideration, or if thought of for a moment, is only made a subject for sneer or exultation. It is a known fact, Sir, that this kind of practitioners never think of closing a case so long as it can be kept open. The creditor, therefore, as well as the debtor, suffers by their interference, while much of the evil might be avoided by the establishment of a court where he might immediately summon his debtor at any time; and if not a too intricate case, or involving points of law and equity too deeply, having proved his demand before it, he might obtain payment of the same; or if that were not possible on the part of the debtor, such an arrangement might be enforced by the court as to it should seem best and most consistent with his affairs. In this case, the interest of the creditor would be guarded and promoted, whilst much of the present yet unnecessary and unjust additional hardship borne by the debtor, through arrest and subsequent imprisonment, would be avoided and discontinued. Each party would be immediately and ultimately benefited by a system also more consonant with the principles of moderation, reason, and benevolence, with those very principles which should guide every enlightened and Christian community.

16th. Plan and description of a court, to be called the Court of Reference.

I beg, Sir, in treating of this part of my letter, to observe, that what I shall advance will be intended more as a suggestion of that which might be done, or as the bare outlines of a plan, than as a regular and well-arranged description of the plan or institution itself; yet I may at the same time remark, that many, if not the whole of those outlines, are portrayed in the present Insolvent Court, which, were arrest for debt forbidden, would no longer be necessary in the same form, but might, with a few additional powers, and an alteration of some of those already in existence, become the Court of Reference I am now speaking of. That establishment has been brought forward as an evidence of the injustice and impolicy of arrest and imprisonment for debt, since it was meant to moderate its ill effects, and in some measure to counteract that part of our law, which, were it correct, *would* not admit of such modification and amendment: whilst, as a Court of Reference, it would appear to every one, founded on the first principles of immediate justice and equity, admirable in its simplicity, and useful to every species of applicants. If I may thus consider it, Sir, or imagine that such a court is in existence, sitting so often as may be thought requisite, and having its ramifications through the country according to what plan may be approved of, it would be recommendable that any and every creditor should have the liberty of making an application thereto, and from the commissioners themselves, or their chief clerk, be enabled to obtain, at any time, a summons for his debtor, to appear at an early day to answer the charge of debt laid against him; or in default of such appearance, after proper service, either personally or at his last place of residence, unless due cause can be assigned for his absence, that on the demand being satisfactorily proved, judgment should be entered up against him, and the creditor be empowered to issue execution, and seize on any or every part of his goods to the amount, as in case of distress by the landlord, of the debt and probable expenses. This, it is presumed, would ensure the possible appearance of every debtor, independent of some advantages he would also gain by attending to the summons; as in that case he might, were it necessary, question the legality of the demand, and put the creditor to the proof of his debt under the sanction and protection of the court, which, were it not too intricate a case, or requiring too many witnesses or involving points of equity, on all which the court should be empowered to decide and thus settle the matter, or dismiss it for trial in the other courts of law, they might determine as should seem fit.

The debtor, moreover, would have another important motive to answer the summons, as if the debt were proved against him, or acknowledged on his part, (which would often be the case,) he might claim the interference of the court for a prolongation of time to

discharge the claim by such means or instalments as would suit his circumstances, or appear to the commissioners just and equitable. This is no more indulgence than every debtor, whose conduct has been fair and honorable, ought to be entitled to, and is indeed no more than what is now frequently allowed to such characters by those creditors who are at all considerate and well-disposed. The Court of Reference intended would therefore step forward only in abolishing arrest to enforce the considerations above-mentioned, and would be a proper protection to the debtor against the malicious or revengeful creditor, and the oppressions too often practised by the lower part of the legal community, whilst it would, at the same time, attend to the interests of those to whom money is due, by arranging the payment, or preventing those effects being wasted, in case of a division of property amongst the creditors, which are now too often diminished in various ways. That the latter should be the case, where, on proof of any debt before the court, the debtor is not able to pay immediately, or satisfy the commissioners on the point of security and discharge at a moderate time, will appear evident; and it should be the duty of the court to appoint assignees over the estate immediately, that it may not be injured either by the debtor himself, or a part only of his creditors, to the loss of the remainder: whilst the debtor, being still at liberty, though having surrendered his property, would be enabled to give every requisite account of it, and much facilitate the business of the assignees; for which they, in conjunction and with the approbation of the general creditors, would, in most instances, think him probably deserving of some return and remuneration, or such might be adopted as an order of the court. This I apprehend, Sir, is the *cessio bonorum* in its most simple form, and all that ought to be required from an honest though unfortunate debtor, who, in the present state of the law, not only surrenders his goods, but suffers an imprisonment, which should attach to the proved criminal alone.

It might be urged that these characters, or the dishonest debtors, are too numerous amongst the general class, to render the abolition of arrest advisable, and that they would escape the punishment they ought to undergo; moreover, that they might secrete themselves to avoid the summons, or have, if attending, no goods to deliver up in satisfaction of the demand, or which could be made subject to attachment. On these points I have to remark, that were arrest for debt prohibited, much more caution would be used in giving credit to disreputable persons, or even those who had no fixed places of residence; a greater inquiry would be made into the affairs of every one, and unsettled people could scarcely become debtors; whilst residents would never think it prudent to neglect appearance to a summons, for the reasons that have been before stated. In de-

fault of such appearance, though without sufficient excuse, and where there were no goods to be attached, or if the debt were contracted fraudulently, or without a probability of payment, it should be considered as a misdemeanor against society, and a criminal offence, subjecting the debtor, in such case, and *such only*, to a term of imprisonment, or what other punishment the present or other laws may deem adequate. For such a purpose the Court of Reference should have the power of commitment, similar to what the present Insolvent Court now enjoys in the nature of a remand, and for such periods as might be approved, according to the amount of offence imputed to the then criminal debtor. This kind of proceeding, Sir, would establish a just difference between the treatment of the virtuous and vicious part of the community, who now suffer as regards imprisonment almost exactly alike, and by its result must afford and maintain a proper distinction of character and station in society afterwards. There must of course be many points, Sir, with respect to such an institution as I have proposed, that have not been dwelt on, many regulations necessary which have not been alluded to, and some disadvantages might be apparent to others which I do not foresee: but the evils that unavoidably would be, and ought to be removed, by the abolition of arrest for debt, especially on mesne process, and which the late Lord Stanhope very forcibly and acutely denominated "the White Slave Trade," are so great and so abhorrent to the manly and independent spirit of Englishmen, that even were a little commercial or some occasional pecuniary sacrifices to be made, though I cannot for my own part apprehend their occurrence, the change must be considered as an improvement in our laws. So far indeed from any kind of inconvenience attending such a change, I am strongly impressed that it would be generally and individually advantageous. I think, Sir, and trust I have proved, that as regards the creditor, whose interest alone, or chiefly, will be thought to be at stake, in any abolition of arrest for debt, by the institution of a Court of Reference, his power over the debtor or his property would be much more direct and summary, than is now the case, through the medium of any existing court whatsoever; that the summons there mentioned would have the before conceded effect of arrest, both as to immediate payment of any debt, where it can be done, or the appearance in court that is now intended by the imprisonment of the person; that, as plaintiffs are now often obliged by the incapacity of the defendant or his using the Insolvent Act to pay their own costs, much money might be saved to creditors, in the more simple and unexpensive proceedings of the Court of Reference; that many of their debtors are driven abroad, from fear of arrest, who otherwise would remain at home, and pay at least a part of what they owe; whereas now the whole amount is lost to

them ; that others continue in prison as a kind of defence against their creditors' claims, which are oftentimes never satisfied, but the money that should be given up to them spent and wasted in extravagance and dissipation, according to a common and well-founded complaint for many years past ; that imprisonment of a debtor, being a proceeding of the highest nature, when a creditor has chosen the person, and the debtor dies in prison, which not very unfrequently happens, he loses his claim entirely ; whereas were arrest for debt abolished, the debtor would not have such a kind of sanctuary to fly to, or be able to detain his property from the creditor ; —these things, Sir, and some other points of the like nature being well considered, it is with confidence I submit to you, whether the repeal of arrest for debt, both on mesne process and even in execution, would not be greatly to the benefit of the creditor, (who should also reflect that, were it otherwise, he might one day be placed himself in the reverse situation,) whilst, generally speaking, it would be a relief to the unfortunate debtor. To the honest one, who alone is worthy of much consideration, it certainly must be, whilst it would take away the privileges which some of an opposite character, or of a more stubborn and revengeful disposition now enjoy. It would also remove the facility of fraudulent practices and obtainment of goods, which are now so exceedingly prevalent, as the names of such persons who will have been then criminally imprisoned though for debt, and who for the most part are concerned in these deceptions, would or might be regularly published, for the safety and caution of society ; whilst at the present time, they are but little known, and cannot oftentimes be avoided. In these views of the case, the abolition of arrest for debt would be more beneficial to the generality of tradesmen and of creditors, than to the debtors themselves. It would also have another good effect, that of checking the angry passions of many of the former, and of almost all of the latter class ; it would afford less opportunity for the baser myrmidons of the law to oppress and pillage the unfortunate victim which should fall into their hands, and render that profession more generally useful and respectable, by acting oftener in a mediatorial than compulsory and tyrannical manner. The mode of enforcing payment by the Court of Reference now spoken of would, I think, Sir, be superior to the present, both from its directness and simplicity ; it would be very like the method which has for many years subsisted in the principality, and has been found to answer the creditors' purpose extremely well, whilst it harasses the debtor but in a trifling degree ; and it would certainly be more consistent in itself as requiring no opposing modification, an evident proof of imperfection in any law, and which is thought necessary against that of arrest for debt ; in the form of bail in the first place, to the sheriff ; justifying bail in

the second place, to the court; protection against undue influence whilst in imprisonment, in the third place; and, fourthly, the granting a chance of liberation, by the non-payment of an allowance often demanded from the creditor when in execution or after a remand; with, fifthly, the benefit of the Insolvent Act.

Now, Sir, I must contend, that any law like that of imprisonment for debt, which is thought to require so many salvos or modifying regulations, and for which such a number of provisions have been made, in order to its avoidance or mitigation, is directly proved to be in se faulty and erroneous, or why afford a debtor the privilege of putting in bail at all if imprisonment be justifiable? why not send him to prison at once? and if the sending and keeping him there afterwards be attended with no ill consequences to his freedom of mental action, or he be thought on an equal footing with his creditor, why provide against an evil that does not exist, and allow him, at a subsequent time, to nullify any act or agreement he may there have done or entered into? and, moreover, if a person ought to be imprisoned for debt, which he cannot pay, why grant a chance of escape from the punishment supposed due to him by the negligence of his creditor? or, lastly, why was the Insolvent Court instituted for his release?

These, Sir, may be considered as amendments on the law of arrest and imprisonment for debt, like amendments on any common legislative act, which denotes the first attempt to be wrong or imperfect; but I may say they even go farther than that, for they prove it of themselves, independent of many other considerations, to be deserving only of entire neglect and abolition. In such a view I trust, Sir, it will be held by yourself, and that arrest of the person for debt will meet from your hands the fate which it merits. I trust it will be estimated as an unnecessary infraction on the liberty of the subject, and altogether an oppressive and unpatriotic proceeding—unfit even for “the dark ages” in which it was instituted, and much more for the present liberal and more refined period, when the feelings of mankind are become less insensible to what is right and just, when liberty both of speech and action is held in so important a light, and whilst every mind is waiting in anxious expectation for a general revision and improvement of our laws.

I have now, Sir, only to add, that in every argument advanced in this letter I have used neither theory nor fiction. They are founded on a knowledge of existing facts and persons, and on that account, I trust, deserve greater weight. Examples could not well be publicly brought forward, and their introduction would also have added too considerably to the length of my communication. They might, however, if thought necessary, be easily procured and described, as there are many living instances of my remarks within the

Preface to the Appendix to the first Edition of the Statistical Illustrations of the Territorial Extent and Population, Rental, Taxation, Commerce, Finances, Insolvency, Pauperism, Crime, &c. &c. of the British Empire.

1. If the fulfilment of a prediction of calamitous consequences can justify gratulation, the Association formed in London for the purpose of inquiring into the causes which led to the privation and misery alternately endured, by the productive classes of society in Great Britain, since the termination of the war in 1815, may proudly appeal and refer, not only to the Preface which accompanied the volume of Statistics published in 1825; but to the Summary of the Report of their Proceedings, published in 1823-24.

2. The Association are desirous to direct the attention of the earnest inquirer after truth, and of every friend to social weal, to the eventful period of the commencement of 1826, as a partial fulfilment of the prediction contained in the concluding paragraph of p. xvii. of the Preface to the Statistics above referred to. They say partial fulfilment only; for although the derangement, occasioned by the event at the commencement of the year 1826, exceeded all previous derangements in its rapidity and extent, unless some measures are adopted, of which at present there is not the slightest indication, the past will assuredly prove *only* the event, of which all the sad consequences are to follow.

3. The correctness of this declaration will appear more manifest by the observations which it is intended to offer in the following pages. The CORN LAWS and CURRENCY, however, engage so much of the attention of the public at the present moment, that the Association deem them first in order of place, as demanding a priority of notice.

4. On the question of an external trade in Corn, it is intended here to offer a few observations under the following heads: viz.—*Historical, Commercial, and Political.*

5. History, in its legitimate sense, being synonymous with a

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record of facts, the statements herewith relating to Corn, pages 23 to 35, with the notes thereto, will preclude the necessity of much enlargement in this place on the historical part of the question, in so far as it may be considered as having relation to the prevailing feeling of the time. It might otherwise be interesting to show the extent to which the Egyptians during the Ptolemaic era, and the Romans during the zenith of their career, were wont to store Corn, as a reserve to meet the exigencies, arising either from political circumstances, or occasional unfavorable seasons; and also to show the extent to which the government of China at the present time, makes a reserve of Grain and Rice, to maintain an equilibrium of value, and to supply the deficiency which so frequently occurs in one part or the other, of that extensive empire.

6. In addition to the unfavorableness of the seasons during the seven years 1692—1699, (see note to statement page 24,) a depreciated or variable currency, arising from clipping of the coin, appears to have contributed towards the relatively high money prices of Grain during that period; and the same cause has been supposed to have operated in producing the same effect, at antecedent periods both before, and after the influx of gold and silver from America, in about half a century subsequent to the discovery of that part of the world by Columbus in 1492-93. The most remarkable effect produced by unfavorable seasons in England, since the period of the Norman Conquest, both with regard to an extreme price and extreme privation, appears to have been during the reign of Hen. III., which commenced in 1216, and ended in 1272. It was about the year 1265, after much turbulence had prevailed, that the people were subdued to their fate, and confirmed their submission in dying by thousands on the highways: from 1150 to 1250, the money price will be seen to have quadrupled; but the more settled state of the country after the ascendancy of the baronial influence in the preceding reign of John, by the stimulus which it afforded both to external commerce and internal excitement to industry, may be considered as having tended in some degree to enhance the money value of all commodities; and which the extensive armaments and marked successes of Edward III., about the middle of the 14th century, tended still further to enhance.*

7. The political events of the troubled reign of the 1st Charles, and the protectorate of Cromwell, during the 3d and 4th decenaries of the 17th century, seem also to have had some effect in

* In 1357, John, king of France, who had been taken prisoner by the English at the battle of Poitiers, was ransomed for 3,000,000 crowns of gold, equal to about 1,500,000*l.*, a vast sum in those days.

enhancing the money price of Grain, which, after the Restoration of Charles II., in 1660, appears gradually to have receded in price down to about 2s. 9d. a bushel, which led to the encouragement of exportation in 1688, as stated in the note at page 23. The large exportation in 1706 appears to have been occasioned entirely from the abundance of the harvest, the season having been remarkably favorable; and from the low money price the exportation would appear to have been forced, rather than to have resulted from demand: three years afterwards, however, the reverse was the case; an exceedingly cold and humid season not only in England, but more especially in France, gave rise to such an extensive demand for export to that country, as to more than treble the money price, and which led, in 1710, to the exportation from England being prohibited one year.

8. No such extreme in money price again took place until 1796, when 25,000,000*l.* of Exchequer, Navy, and Victualling bills, being nearly treble the amount in circulation on an average of years previous to the declaration of war in 1793, first laid the foundation of that artificial and fluctuating course of money prices which has tended to demoralise and pauperise three-fourths of the British people, and which now portends the speedy annihilation of all social order, throughout the British dominions.

9. A somewhat high and irregular order of prices, as well as irregular extent of export, followed for 8 or 10 years subsequent to 1710, and for 5 or 6 more years the prices somewhat declined, until 1725-26, when the demand for export, or some other cause which has not been satisfactorily explained, led to some advance; and in 1728-29, for the first time after the passing of the Act of 1688, the quantity of Grain imported exceeded the quantity exported. In 1728 an act was passed to regulate the price of imported Corn; and in the following year another act was passed to amend the preceding.

10. During the ten years 1730-9, although the extent of export was irregular, the prices will be seen to have been moderate and equable; a very severe winter in 1739-40, followed by an unfavorable harvest, occasioned a considerable rise in price in that and the following year. The seasons of the ten years 1742-1751 appear to have been exceedingly favorable, and the export during the three last years of that period, unusually great. Notwithstanding which, the average price of the 10 years, in the London market, did not exceed 22*s.* to 26*s.* per quarter, the minimum having been 18*s.* to 20*s.* only in 1745. A considerable advance in price took place in 1752, and the export, although much less than in either of the three preceding years, was very considerable. In the four following years, 1753-56, although the price gradually receded to the level of the ten years 1742-51, the complaints of the people were loud and

general against what they then called a high price of provisions ; and at Christmas, 1756, the exportation was again prohibited, and in the two following years a partial supply of wheat was imported ; yet the price gradually rose in the London market from 22*s.* to 26*s.* per quarter, in June 1756 ; to 67*s.*, to 72*s.* in June 1757 ; from which price it gradually receded to about 24*s.* in 1761, when the export again became very considerable ; and which continued during the three following years, with an advance in price of from 10*s.* to 15*s.* per quarter, when both the export and the price became again a subject of general complaint.

11. With the year 1765 there commenced a succession of precarious harvests, and from which date a new era in the trade in Corn may be considered as having commenced, and a permanently higher range of prices established. From 1765 down to 1796, the importation and exportation, by the statement at page 24, will be seen to have been very irregular ; notwithstanding which, no very marked variation in price seems to have taken place. In 1773 the bounty on the exportation of Grain was discontinued, and some regulations for the importation thereof enacted ; under which, in the five years 1774-78, the importation was considerable, and the next four years there was again an excess exported. An unfavorable harvest, in 1782, led to a great importation in the following year ; and although in the nine following years the import and export of wheat was very irregular, the importation of oats continued progressively to increase ; and in addition to the quantities imported, as exhibited in the statement at page 24, there was occasionally considerable quantities of rye imported ; viz. in the two years 1767-68, 123,600 quarters ; in the two years 1774-75, 75,000 quarters ; in the three years 1783-85, 134,800 quarters ; and in the seven years 1789-95, an average of 31,000 quarters per annum ; and in 1796, 163,650 quarters.

12. In the view here exhibited of the variation in the money price of Grain through a period of nearly eight centuries, there are three leading causes adverted to, as having tended to produce that variation : viz. 1st, an influx, and consequent depreciation, of money ; 2d, extremely favorable, or unfavorable seasons ; and, 3d, internal commotion, or external war. That all these circumstances have each in themselves a tendency to produce a variation in the money price of all commodities of great and general consumption, and more particularly so of Grain to a certain extent, cannot be questioned ; but, on a close investigation of the more detailed exhibition of the external trade in Corn, from the period of 1688 downwards, whether considered in relation to the London prices adverted to in the preceding pages, the Eton prices of wheat and malt, and the London price of the quartern loaf, as ex-

hibited at pages 23, 24, or the more circumstantial detail of average prices in each year since 1800; it will prove, that the same effects have not resulted from the same causes in any thing like relative degrees in any two instances; and, in some cases, a reversed effect has resulted from similar causes; more especially so under those of changes in the circulating medium, and of war or peace. The inferences deducible therefore from these facts are, that all which has hitherto been said and written, on the subject of an external trade in Corn, and extreme variation in its money price, has fallen far short of a fair elucidation thereof; and, that the just principles of legislation, and the just relations of society, are so far, but very imperfectly understood.

13. In looking at what appears to have been the feelings of the people, in relation to the money price of Grain at different periods, it will be important to take into consideration the situation and condition of the country, with reference to its means of transit by canals and roads. It was not till towards the close of the last century, that these important sinews of empire became efficient in tending to produce an equilibrium in the money price of staple commodities, over all the several parts of the kingdom; hence it may have been, that the price of the quartern loaf in London, nor the Eton prices of wheat and malt, at the periods when loud and general complaints of dearth or scarcity of food are stated to have prevailed, afford any just criterion for the cause of those complaints. In 1756, for instance, eight persons are represented to have been killed at Leeds in suppressing a riot, which the high price and scarcity of provision had occasioned, whilst the Eton and London prices of that year, compared with former periods, do not seem to have justified any violent measures for their modification. The complaint, therefore, had probably other grounds of justification, such as an inadequate remuneration for labor, or probably a disproportionate high price in that part of the country, compared with the prices in other parts of the country, arising from local circumstances; and it will be proper to understand, that the prices at Windsor, as recorded at Eton College, have not been selected as intending to represent any thing like a fair average price of Grain throughout the country, but that they were the only, or the most authentic series of prices, that could be obtained for so long a period back; their authenticity being deserving of reliance, in consequence of their being the prices at which the rents of part of the College lands were regulated and discharged, being let pursuant to the grant of the testator, at a Corn-rent. At the head of the columns of prices in page 23, it is stated "*the mean price*;" it should be as in the following page, "*price of the best*." The variation in

the relative prices of wheat and malt, at different periods, is another feature that will be found deserving of attention.

14. England, subsequent to the French revolution, which led to a declaration of war on the part of England against the French people, in 1793, assumed a position in social polity so novel and extraordinary, as to render all the ordinary modes of inquiry and elucidation of her relations, either internal or external, inapplicable to the purpose. Among the causes which accelerated that memorable event, the French revolution, was the clamor for bread on the part of the populace of Paris, in 1792, in which year, it will be seen, a larger export of wheat from England took place, than for near 30 years previous; whilst in the following year, a very considerable importation will be seen to have occurred, but without any very marked variation of price, through either of the two years. It was immediately after the declaration of war against France, on the part of the British government, in February, 1793, that it resorted to the equivocal *expedient* of endeavoring to aggravate the calamities of the French people, by not only prohibiting the exportation of Grain from England to France, but to intercept the supplies directed to that country from all other parts of the world; and it was this interference, and not any necessity, that occasioned the importation into England in 1793: and such an additional supply uncalled-for by any necessity, would doubtless have had a powerful effect in depressing the money price, had not the government carried their experiment still farther, by creating a paper money representation, wherewith to become the purchasers, and thereby to sustain the then money price. This year's transaction, whilst it tended to excite the still further creation of paper money, until in 1796 it had amounted to no less a sum than 25,000,000*l.*, as previously stated at page 4, involved the government in the new, and politically equivocal character, of the most extensive Corn Jobbers in the country. The measure, as soon as it was known through the country, became a subject of general reprehension; but the difficulty which the government had in extricating themselves from the dilemma into which the transaction involved them, may in some measure be inferred from the fact, of one of their agents only¹ having, on the 18th May, 1810, delivered in an account to the amount of 1,778,728*l.* 18*s.* 5*d.* for the produce of Corn, Flour, and sundry other articles, received and sold, on account of the government, between the 2d August, 1793, and the 29th January, 1806, and which account was not finally settled until the year 1819.

15. In 1795 another experiment was resorted to, which had a

¹ *Claude Scott*, since created a baronet.

powerful tendency to support the foundation of that inordinate high money price, of which the enormous amount of Exchequer, Navy, and Victualling bills in circulation at this time, may be regarded as the basis. In that year an Act was passed granting a bounty of 16s. to 20s. per quarter (according to quality) on wheat, till the quantity imported should amount to 900,000 quarters, from the south of Europe and America, and from 12s. to 15s. per quarter, from the contiguous parts of Europe, till the quantity should amount to another 500,000 quarters, and from 8s. to 10s. per quarter, on any additional quantity that might be imported up to the 30th Sept. 1796. (See the quantity imported in the latter year, page 24; and compare the rate of bounty with the prices at the different Corn-markets of Europe, in 1824, page 34). In 1797 all Grain was admitted free of duty. In 1798 wheat, at a duty of 2s. 6d. per quarter, in the following year at a duty of 6d., until October, when it was again admitted free of duty; and in 1800, a bounty was again resorted to, at a graduated scale, according to the average price; and in the spring of 1801, notwithstanding the vast importation in that and the previous year, wheat of the finest quality in the London market attained the enormous price of 180s. per quarter, and the quartern loaf for four weeks 22½d., and all articles of subsistence attained a corresponding price. This may be considered the period of a confirmation of that artificial and fluctuating order of money prices which the government bills of 1794-95, high bounties of 1796, and the Bank-note system of 1798 tended to establish; and which, in addition to the inordinate extent of state and local taxation which it has occasioned, has also led to a rent-tax, both for land and houses, without any parallel in the ratio of its extent and pressure, on the productive energies of the country.

16. The events which have followed the memorable period of 1801; the progressively increasing privation, and degradation of the great body of the people, amid a progressively converging ascendancy of money influence, and consequent display of luxury; the successive alternations of seeming prosperity, and derangement producing the extreme of adversity; progressively increasing pauperism, and its concomitant crime; are all circumstances too fresh in the recollection, and too severely felt by the present generation, to need much enlargement on here; and we are at present living too near the time, and too much under the influence of conceit and collision of opinion, to justify the endeavor of analysing and enlarging on them in this place, as permanent records of history; more especially so, as there will be occasion to advert both to the

^a See statement and note thereto, page 30, Statistics.

period and to Corn under the commercial and political head of the subject.

17. In looking at Corn in a general point of view, as an article of *external commerce*, whether of import or of export, the subject seems to resolve itself into two positions: viz. the abstract, and the relative.

18. As an abstract position or question, whatever enlarges the articles of external commerce, either for export or for import, has doubtless a tendency not only to promote the abstract, and especial interest of the commercial portion of the community, but also to promote the interest of all those whose occupations more immediately depend on the commercial class; such as porters, wharfingers, warehousekeepers, lightermen, mariners, &c.; and where the shipping is distinct from the commercial operation, the ship-owner in particular, is above all others interested in whatever tends to enlarge or increase the number and bulk of the articles of external commerce; the ratio of interest to all the collateral or dependant classes being in proportion to the bulk,¹ without any relation to the value of the commodities, whilst the interest of the merchant will generally be in an inverse ratio, or, in proportion to the value relative to its diminished bulk. And it is equally unquestionable, that the advantages, thus derived by the commercial class, and their dependants, must to a certain extent, at least, be diffused over all the internal relations of the country, and the whole community. And thus, as an abstract question merely, the most unrestrained freedom in an external trade in Corn, and that to the utmost possible extent to which it can be carried, are objects equally politic and desirable: a consideration of the subject, however, in all its relations, or in relation to all the existing interests of a community, seems to render the correctness of such a conclusion extremely problematical, and consequently to render the prevailing clamor for a free trade in Corn highly ridiculous and reprehensible, and the policy or correctness of the pretension questionable.

19. It would exceed the limits prescribed to this preface, to offer all the illustration, on all the *relative* bearings of an external trade in Corn, of which the subject is susceptible, and which it so well deserves; for before any conclusion can be justly drawn of its effects on existing interests, it will be proper, first, to ascertain and determine, if the respective interests themselves were founded in justice and sound policy; and if not, whether time, usage, or any other circumstances, entitle them to protection. Nor is it a consideration alone of the relative existing interests of the different

¹ Corn next to Timber, may be considered the most bulky article of commerce.

classes of society, that will suffice to justify a conclusion, as to the policy or impolicy of encouraging or preventing an external trade in Corn; local and relative geographical position, natural capabilities, considerations moral, as well as pecuniary, on the nature of, and effects to be produced by, the commodities which are to constitute the basis of exchange, and various other considerations, both moral and economical, are all requisite to be taken into account, in a full and ample investigation of the subject.

20. Looking, however, at the subject of an external trade in Corn, with reference to England at the present time, a more limited view will suffice, than previously deemed necessary, to enable some tolerably safe conclusions to be drawn respecting it; inasmuch, as it is in reference to importation only that it requires to be considered; and, in thus considering it, in reference to importation only, the ten following interests appear to be variously involved in the measure; viz.

1. The commercial class.
2. The ship-owner.
3. The class dependant on commerce.
4. The landed proprietors.
5. The occupiers of the land.
6. The laborers on ditto.
7. Mortgagers and annuitants.
8. The manufacturing class.
9. The artizans, or laborers in manufactories.
10. Interchangers, or shopkeepers.

21. The way and degree, in which each of these several classes of the community are respectively, and relatively, likely to be affected by the measure of importation, will in the first place depend on the extent of the importation, and the condition under which it takes place, as will be more clearly seen by the following elucidation.

22. It has been previously stated, that, whatever enlarges the means, or the articles of external commerce, of necessity tends to increase the interest of the commercial class, as well as the interest of all those more immediately dependant on external commerce for their support, and that the benefits derived by this class will, to a certain extent at least, diffuse themselves over the whole community; but the degree, in which these benefits will in the first place be derived, and afterwards diffused, will depend entirely on the following single fact; viz. whether the Corn imported will, or will not lead to an increase of consumption. Because, if it does not lead to an aggregate increase of consumption, whatever interest one or more classes of the community may

derive from an *external* trade in Corn, must of necessity be derived at the expense of some *internal* interest; and, by the derangement which the transfer of interest occasions, constitute an aggregate evil, rather than an aggregate good. But, on the other hand, if Corn of external growth should lead to a corresponding increase of consumption, whatever special interests may be injured thereby either in reality or imagination, an aggregate benefit is certain in a physical, moral, and social sense.

23. Some further observations might be offered, in reference to the degree or relative effect of an external trade in Corn, on the three first classes here previously enumerated, but which to every practical and intelligent mind; will readily suggest themselves; and, as the prescribed limits of this preface preclude much amplification, the Association will pass on to an elucidation of the way and degree, in which the landed proprietor is liable to be affected by the measure of an importation of Corn.

24. To offer the most ample elucidation of this part of the question, of which it is susceptible, it would be necessary to take into consideration, not only the extent of the present internal supply, but also the natural capabilities of the soil, and the physical and scientific means of the people to increase that supply; and further, to determine whether the landed proprietor has any, and what claim, to special consideration and protection.

25. Much has been said and written about the exhaustion of the English soil; and it has been assumed, that it is incapable of producing subsistence in proportion to the increase of its consumers; that the power of increase of the one is only arithmetical, whilst the power of the other is geometrical. And it has been assumed, and the assumption obtained great popularity, that the high money price of Corn in England has resulted entirely from all the best soils in the country having become so far exhausted as to be incapable of yielding the necessary supply; so, as to progressively force the more inferior soils requiring progressively more and more labor at a proportionate increase of cost to render them capable of yielding any supply at all. The erroneousness of the latter position, and the petty conceit, under which it was first arithmetically exhibited, are equally pitiful; and that they should have gained any popularity, even in this speculative age, is a libel alike on its practical experience and intelligence. The obvious cause of the high money prices is sufficiently plain in the historical part of this preface, to need any further observation here, on that head, whilst the position of the exhaustion and incapability of the English soil to sustain its population, and the conceit of the arithmetical limits of the one, and geometrical power of the other, will appear equally pitiful, when the philosophy of

the law of nature is considered ; which law admits of no exhaustion ; but that the reproductive power of both the animal and vegetable part of creation are always in exact proportion to their extent ; and thus, to use the language of a genuine philosopher, as far as the influence and power of nature is concerned, "every generation of both immutably provides subsistence for those that follow ;" and, that this delightful conclusion is not eternally manifest to human minds, is entirely and exclusively the result of a perversion of the social compact.

26. Although the question, whether or not the landed proprietor has any, and what claim to special consideration and protection, may be considered as belonging to the political, rather than to the commercial part of this elucidation ; as it has been adverted to in conjunction with the question of the capability of the soil, it shall be dismissed in this place, as far as the Association intend to enlarge upon it on this occasion.

27. One of the first principles of perversion of the social compact will, on a purely philosophical investigation of what constitutes the just relations of society, be traced to the apportionment of the soil to a distinct class of individuals. Was the soil held, in common or collectively by the government of a community for the interest and benefit of the whole, the rent-tax now subject to the caprice and avarice of thousands of individuals, and which now presses so inordinately upon the weight of an unparalleled burthen of state taxes, might, under the circumstance just adverted to, be made to constitute the only source of taxation, subject only to one general and equitable principle of assessment.

28. The possession of the soil also by a class of individuals to the exclusion of others, has a tendency to create and cherish those distinctions in society : not merely incompatible with its public weal, but subversive of moral, as well as social order : and, as far as the possession is rendered hereditary, it has a tendency to place influence, authority and power in the hands of the very worst specimens of human nature, to the exclusion and trampling upon of every generous and every noble passion. Subject to this view of the question, the Association do not hesitate to declare that the present class of land-holders in England have no claim to any special consideration or protection ; and although the Association are well aware, that by making the declaration, they expose themselves to the impugnement of treason or madness :—let it pass ; philosophy, and truth, and social good, demand that it should be made.

29. It is not intended, however, on this occasion, to view the question of an importation of Corn through this medium, but to look at the class of British landed proprietors in the relation in which they at present stand with the rest of the community ; and,

in thus viewing the subject, the way in which the landed proprietors are liable to be affected by an importation of Corn, will be a probable variation in its money price; whilst the degree in which they will be affected will depend on the extent of the importation.

30. When it is considered, that a comparatively very trifling supply beyond demand produces a very disproportionate effect upon the value of the aggregate quantity, it is certainly a duty incumbent on legislation to pause ere, for the sake of experiment, they expose the several interests of the country to so extensive a change, as a comparatively trifling additional supply of Corn is liable to occasion; that is, assuming 40 as the quantity, and 240 as the value of the supply adequate to the demand, an increase of 1 has a tendency, not merely to affect the value of the aggregate supply in its proportionate ratio of 6 but of 12, an increase of 2 to the extent of 30, and of 3 to the probable extent of 80 or 100. Consider therefore, the produce of 40 millions of acres of land, (the quantity or thereabouts in a productive state in Great Britain,) sufficient to yield an adequate supply, and 240 millions per annum its aggregate value, the importation of the produce of 1, 2, or 3 millions of acres of a Foreign soil must inevitably lead to one or the other of the two following results; viz. either the supplanting of the cultivation of a corresponding extent of soil at home, or a derangement in the value in the proportion just previously exhibited. And then, as the money value of the produce of the soil has a necessary tendency to govern the money value of all other productions, (*vide statement page 30 in the vol. of Statistics,*) the depreciation extends through all the productive classes; whilst all those who subsist on the state taxes to the extent of £52,000,000, on a rent-tax to the extent of £40,000,000, and on mortgages, and other fixed money incomes, to the extent of 10 to £15,000,000 per annum more, are all benefited in a ratio proportionate to the depreciation sustained by all the productive classes. The progress therefore of the effect of an importation of Corn beyond the demand for immediate consumption, is, first, to depreciate the money value at the expense of the *occupier of the land*, the extent of the depreciation depending mainly on the extent of the importation: the effect of the depreciation upon the occupiers of the land immediately manifests itself to the laborer, and all that class of handicrafts and tradesmen, more immediately dependant on the occupiers and laborers of the soil; and it is not till exhaustion and degradation pervade the whole of this portion of the community, that the *rent-tax*, or in other words, the landed proprietor, will be materially affected by the measure of importation.

31. Having thus cursorily exhibited the effect likely to be produced by an importation of foreign Corn on the four classes, Nos.

4 to 7, previously enumerated, the Association will pass on to show the effect the importation will have on the manufacturing class of the community, and the multifarious classes employed in manufactures; and in an abstract point of view, a benefit to this class is as obvious as it is to the merchant, the ship-owner, and all those more immediately dependant on external commerce; that is, looking at the manufacturing class, as far as the exportation of £50,000,000 value per annum of their products are concerned; against such an amount, whatever amount in value to which foreign Corn may be imported, has undoubtedly a tendency either to enhance the value of the manufactures exported, or to increase the demand to a corresponding extent, to the value of the Corn imported. This is a certain result, and as certain a benefit. But then, to use the pedantic language of the pseudo race of political philosophers, the benefit on an external interest is only arithmetical, whilst the derangement which it is liable to occasion (as previously shown) on the internal interests of the country is geometrical. But, say the advocates for importation and **FREE TRADE**, let the intercourse be free, and the thing will find its own level, and regulate itself. No doubt—let famine and its concomitant pestilence be free, and it will find its own level and regulate itself. Had this doctrine been adhered to in Ireland, in 1822, Ireland might probably have found its own level, and regulated itself, ere this. But further, say the advocates for importation and *free trade*, the advantages to be derived from an external trade in Corn would produce such an internal excitement by the increased remuneration for manufacturing labor, as to prevent that sort of depreciation and derangement here previously laid down; and was the power of supply of natural, and of manufactured (or artificial) productions equal, the position would deserve investigation; but whilst the supply of one, in a comparative sense, may be considered limited, and the other infinite, the only tendency of an unrestrained intercourse is to increase the supply of the artificial productions, until they lead to such an exhaustion of the physical, and degradation of the moral character of society, as to threaten the entire annihilation of all social order.

32. The effect of an external trade in Corn upon the numerous class of interchangers or shopkeepers, now only remains to be considered. As far as the products which pass through the hands of interchangers are either foreign or domestic, the advantages may be considered equal: it is derangement only that affects them, and the consequences are the same, whether produced by internal or external causes. How far this extensive, useful, and important class are likely to be affected by either one or the other of those causes, will more fully appear under the *political elucidation* of the subject.

33. Assuming the "great end of all good government to be, the happiness and well-being of the people," in the legitimate and most comprehensive sense of the term, it is obviously and equally imperative on the legislature and the executive, to guard against excess and its consequences, as well as against deficiency or destitution and their consequences: in short, "to maintain an equilibrium" may be considered the sum and substance of the art of government. Hence it is, in other words, not unrestraint and freedom, but restraint and regulation, which constitute the means by which the great end of all good government is to be attained; yet freedom at the same time is perfectly compatible with the judicious exercise of regulation. It is not tolerance or licence, but certainty and impartiality: not the looseness or laxity of regulations, but their precision, intelligibility, and the equal and impartial application to all classes of the community, which constitutes a state of freedom; like the grand and immutable law of nature, which causes all progressive phenomena to succeed with such unvarying regularity, that the manifestation of its power, and the liberty of action throughout all animated creation are perfectly compatible. Social regulations so ordained would excite such degrees of industry and exertion as would produce private happiness, public prosperity, and national glory, social perfections, akin to the perfections of nature. Contrasted with this, how petty in pretension, ever-varying in action, and fiend-like in its effects, does modern legislation present itself; and especially so in England, the half of whose population under the influence and pretension of freedom, in return for unceasing toil, and an extent of labor far surpassing that of the Hebrews under Egyptian bondage, or that of the slaves of the Western world, are degraded to the rank of paupers; and millions forced to the verge of starvation, whilst Corn and other articles of subsistence are absolutely prohibited from being received in exchange for the products of their labor, and that too from countries which have no other equivalent to give.

34. Unsocial, unjust, irrational, and impolitic as restraints like these obviously are, such is the artificial and perverse state into which a long career of speculative experiments and misrule have placed British society, that every proposition which has hitherto been made for modifying those restraints, as obviously portend still more calamitous consequences; at the same time it must be admitted, that if the prohibition of foreign Corn is impolitic and unjust, the admission cannot be impolitic and unjust also. It would seem therefore, that the difficulty consists in devising that just principle of regulation, that shall produce a social and general good, without any of that derangement so obviously likely to result from an importation, under any of the regulations hitherto proposed; and it will doubtless prove, on a developement of that just

principle of regulation, which alone can prevent the derangement so certain to follow any abstract measure of legislation on the subject, that the derangement can only be prevented and a just equilibrium obtained by a combination of measures, all effected in just relation to each other.

35. As stated in the 13th paragraph of the preface to their vol. of Statistics, the Association deem it not their duty or province voluntarily or officiously to advance any propositions, either for obtaining the desired equilibrium, or preventing the sad and portentous consequences, which must necessarily follow the existing derangements.

36. Parliament extols the wisdom and efficiency of those, whose duty, and whose province it is, to devise and to maintain a just equilibrium in society; the public press, and the public too, (that is, the talking, and unsuffering, and unthinking part,) echo its laudits; and whilst millions are suffering and crying for bread, parliament is proposing to reward one of the authors of the prevailing misery with £5,000 a year, in anticipation of the assumed good that is to follow. Assertions of prosperity are reiterated from year to year; pompous displays of increasing produce of taxation are held up as evidences of increasing luxury and of increasing *wealth*; whilst the converse of the assertions is the fact; and whilst a privileged class and standing armies are obviously violations of the first principles of social order, a liberal and enlightened nobility, an upright and active magistracy, a zealous and conscientious clergy, are held up as the instruments of that increasing wealth, and increasing prosperity, so periodically reiterated. For a true picture of the state and condition of the country, in contrast to these reiterated assertions, the Association most earnestly recommend to the attention of every friend to social order in England, the resolutions relative to the state of the nation proposed to be submitted to parliament by the hon. member for Aberdeen, on the 5th of May, 1826.

37. A lesson which peculiarly claims the attention of the people of England at the present moment, may also be read in the career and fate of Rome, so beautifully, because so justly, portrayed by Mr. W. Playfair; where he says, that "when the Romans (in common parlance) were poor, and before they had either standing armies or privileged classes, the people depended on exertion, and they enjoyed plenty; but when Lucullus and other citizens were squandering millions at a single banquet, the people were crying for bread; and while the person of a Roman lady was ornamented with the wealth of a province, the multitude were covered with rags and depressed with misery. It would have been no hard matter then," continues Mr. Playfair, "to have foretold the fate of

Rome; the natural order of things was deranged to too violent an extreme to be of long duration. The state was become like an edifice that had declined from the perpendicular, while age was every day weakening the cement by which it was held together; so that, though of the time and hour of its fall no man knew, the event was certain." Insensible or indifferent to the consequences which followed the display of Roman luxury, the rulers of England seem determined to experiment and sport with the resources and interests of the people, until they complete the simile, by sinking them into a correspondent degradation with the people of Rome.

38. Spain, as a living evidence, and various other nations of antiquity might be adduced, in past evidence, of the fatal consequences resulting from the illusive and false notions entertained of what constitutes the wealth of nations, whose downfall and degradation has not resulted as a necessary consequence of their age, or time of their existence; but either from an utter destitution of knowledge, or total disregard on the part of their rulers, as to what really constitute national wealth, and the just principles of social order, or from a selfish predilection to individual aggrandizement, and the aggrandizement of a few special and privileged classes, at the expense of involving the multitude in misery.

39. Such is the condition, and such the danger, in which England is placed at the present moment, *maugre* all the assertions and all the pretensions set up to the contrary; and notwithstanding the ample means which abound to avert it, that, as stated in the commencement of this preface, unless some measures are speedily devised, and as promptly adopted, of which there is not, at present, the slightest indication, the past and existing distress will prove only the events of which all the sad consequences are to follow; and although, as in the case of the complete degradation of Rome, and of Spain, of the day and hour of their fulfilment no one can tell, the event is certain and not far distant.

VRAI SYSTÈME
DE L'EUROPE
RELATIVEMENT
À L'AMÉRIQUE ET À LA GRÈCE.

PAR M. DE PRADT,
ANCIEN ARCHEVÊQUE DE MALINES.

Le genre humain est en marche, et rien ne le fera rétrograder.

Verum novus oritur ordo.

[*Concluded from No. LI.*]

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2 A.

VRAI SYSTEME DE L'EUROPE,

&c. &c.

CHAP. XXVI.—*Étendue des républiques de l'Amérique.*

LA malveillance a des conseillers féconds en prétextes, en subterfuges, en allégations insidieuses, en ajournemens de fausse prudence contre ce qu'elle a intérêt et dessein d'écarter dans le moment. Il faut donc suivre dans tous leurs détours, et comme dans leurs derniers retranchemens, les opposans à la reconnaissance de l'Amérique ; repoussés dans les attaques directes, ils se rejettent sur des éventualités, et on entend dire : A quoi bon reconnaître des Etats qui ne sont pas même fixés et qui portent dans leur sein des principes visibles de changement et de division, tels que ceux qui résultent d'une étendue de territoire incompatible avec la forme du gouvernement qu'ils ont adoptée, ainsi qu'avec la possibilité de l'administrer et de tenir réunies les parties trop séparées de ces associations ? Semblables à ces monnaies de convention qu'un consentement irréfléchi maintient dans la circulation, ces opinions circulent de même dans la société, et servent de base au jugement de beaucoup de personnes qui répètent et qui, par la répétition, accréditent la croyance que l'étendue territoriale des républiques d'Amérique les portera rapidement vers l'adoption de l'ordre monarchique ou vers leur séparation en un grand nombre d'Etats.

Il peut être utile de discuter et de dissiper cette opinion ; elle est le fruit d'une habitude irréfléchie.

1° Avant tout ne doit-on pas demander : Qu'importe à l'Europe, pour reconnaître les Etats de l'Amérique, de savoir quelle sera dans les âges suivans leur forme de gouvernement et la distribution de leur territoire ? Il ne s'agit pas de l'avenir, mais du présent, non pas de ce qui sera ou qui pourra être, mais de ce qui est. *Le droit*

veut un sujet certain et connu ; il ne regarde pas aux changemens, aux innombrables modifications aux-quelles les choses humaines sont assujetties ; la mesure du territoire d'un Etat quelconque ne fait rien au *droit* ni au *fait* de son existence. Existe-t-il quelque type primordial auquel on soit tenu de s'en rapporter, et qu'on ne puisse dépasser sans cesser d'être propre à la sociabilité avec les autres Etats ? Ce que l'on pourrait dire de la mesure du territoire ne serait-il pas applicable à la richesse, et à tous les autres attributs locaux ? Serait-on autorisé à exiger de chaque nouvelle société le dépôt de son bilan ! Quand les Etats-Unis ont pris place parmi les nations, a-t-il été question de leur étendue présente ou à venir ? A quel titre donc formerait-elle un préjugé contre la reconnaissance de l'Amérique ?

Chacune des républiques américaines s'étend sur de vastes espaces, cela est vrai ; mais qu'est l'étendue sans la population et sans les affaires ? et, sans la population, où sont les affaires ? Un territoire borné à de justes proportions, ni trop étendu, ni trop resserré, un centre d'affaires placé d'une manière commode pour toutes les parties de l'association, facilitent le développement de ses facultés et la satisfaction de ses besoins ; mais l'absence de ces avantages ne confère aucun droit contre ceux qui en sont frustrés. Le gouvernement russe régit une étendue immense de territoire : l'absence de la population en fait encore une masse inerte et comme morte, qui, pour prendre de la vie et donner de l'occupation à ce gouvernement, attend la population ; sans elle, cette étendue est presque comme si elle n'existait pas. Quand le temps et la civilisation auront, dans ces contrées, fait leur œuvre accoutumée, il en sera tout autrement. Quand la Sibérie, qui peut nourrir des centaines de millions d'hommes, au lieu d'une population faible, misérable et ignorante, renfermera vingt millions d'habitans ; quand Astracan et Odessa égaleront ou dépasseront Pétersbourg, qui n'a pour lui que la cour, dans le temps que les deux autres ont pour eux le soleil, on verra si la domination de Pétersbourg continuera de s'étendre de la mer Baltique jusqu'à la Caspienne et à la Méditerranée ; si elle se perpétuera au-delà de ces hauts remparts que la nature a élevés entre l'Asie et l'Europe, comme pour les avertir de la nécessité de leur séparation, et pour leur en fournir les moyens. Le travail des siècles fera plusieurs Russies avec celle que nous voyons ; en effet, quel bras d'homme, quelle main mortelle suffiraient pour soutenir et pour manier le fardeau d'un corps tel que celui de la Russie, animée par la population que comporte son étendue ? Il faut donc attendre l'effet du travail du temps pour tirer quelques conclusions contre l'Amérique, de l'étendue de l'espace qu'occupent ses nouveaux Etats ; il s'écoulera beaucoup de lustres auparavant que les inconvéniens de cette étendue se fassent ressentir. Les Etats-Unis *restent*

unis, parce que leur population n'est encore agglomérée que sur le littoral de l'Atlantique ; mais laissez-la prendre l'essor qui l'attend et remplir l'espace sans terme compris entre les grands lacs du Canada et la pointe des Florides, et celui qui s'étend de la chaîne des montagnes Alleghannis jusqu'à la rivière Colombia, et vous verrez si les innombrables générations qui naîtront dans ces espaces, seront toutes représentées dans le capitol de Washington. Mais les républiques américaines du Sud seront beaucoup moins affectées par l'accroissement de leur population ; car il s'en faut de beaucoup que l'étendue de leur territoire corresponde à celle des Etats-Unis. Ainsi, le Mexique n'a pas une étendue *ingouvernable* : la capitale est heureusement située, et les côtes sont resserrées de manière à ce que la communication entre elles et avec la capitale, n'offre pas de difficultés. Colombie est très vaste, mais elle est loin d'égaliser les Etats-Unis ; en quelques lieux, les côtes sont fort rapprochées et les cours d'eau s'y trouvent disposés de manière à faciliter les communications. Au Chili, au Pérou, l'étendue n'a rien de contraire au maintien de l'Union, et la position des capitales la favorise. Buénos-Ayres est fort grand, mais sans exagération ; et là encore, car dans cette admirable Amérique tout se trouve comme fait pour le bien, les cours d'eau donnent une grande aisance pour le maintien de l'Union, en se confondant tous dans le fleuve superbe qui baigne les remparts de la capitale de l'Union ; cet avantage est immense, et garantit à l'Etat de Buénos-Ayres un long cours d'années dans l'état de famille. N'est-on pas autorisé à regarder les jugemens portés sur la destinée de l'Amérique, comme la suite de l'habitude de prononcer *sur ce qui sera*, par la considération de ce qui *a été*, sans tenir compte des différences qui mettent tant de dissemblances entre des choses semblables en apparence ? Ainsi, parce que les grandes républiques de Rome et de Carthage ont pris fin, parce que la Grèce ne comptait que des républiques d'une étendue fort bornée, on conclut que l'existence des grandes républiques est impossible : en cela, on oublie un grand nombre de choses ; 1° que la république romaine a duré pendant plusieurs siècles ; 2° qu'elle était formée d'un faisceau incohérent de peuples conquis, maintenus dans l'union par la force militaire, divers d'origine, de mœurs, de langage, d'intérêt, de liens d'habitude ou de consanguinité : pour ces divers membres de la république, tout le lien était formé par le pouvoir de Rome et dépendait uniquement de la force des armes ; 3° la civilisation romaine et ancienne n'avaient rien de commun avec la nôtre ; 4° alors l'esclavage était l'état de la presque totalité de la population ; quelques grands citoyens ne pouvaient manquer de disposer de cette population, ce qui n'est pas possible dans les sociétés dont tous les membres ont des droits égaux ; 5° le système fédératif, qui est très propre à atténuer une partie des inconvéniens

attachés à la trop grande étendue des Etats républicains; cette heureuse introduction, ou plutôt cette découverte, car c'en est une d'un genre très précieux, en bornant les devoirs de l'union aux choses d'un intérêt général, a créé un moyen puissant de débarrasser les grandes républiques des obstacles au maintien de leur union; dans cet ordre, la décision des intérêts privés appartient à chaque Etat, ce qui évite les sujets ordinaires les plus actifs de collision, et ce qui restreint l'action et l'intervention commune à des cas rares par leur nature même. Plusieurs républiques de l'Amérique se sont approprié cet heureux préservatif contre l'excès de leur étendue; ainsi ont fait le Mexique et Buénos-Ayres. Ce qui a si bien réussi aux Etats-Unis pourra leur être tout aussi propice; et qui les empêchera de s'approprier encore tout ce que le besoin de leur conservation leur montrera nécessaire ou simplement utile, tout ce que le génie, l'observation et l'expérience pourront encore leur suggérer ou leur faire trouver de moyens dans le but de leur préservation? Qui a le droit d'assigner les bornes de l'esprit humain ou de lui en marquer?

Les allégations employées contre l'étendue du territoire des Etats américains, n'ont donc aucun fondement, on ne peut les considérer que comme des lettres de change tirées sur l'avenir par la malveillance, et protestées d'avance par la raison.

CHAP. XXVII.—*Saint-Domingue. Haïti.*

Voici une nouvelle preuve du partage qui existe aujourd'hui entre les deux parties du monde; elle est frappante et digne de remarque.

Deux noms, deux souverainetés, deux propriétés: en Europe, Saint-Domingue s'appelle encore Saint-Domingue; sur les lieux mêmes, il a nom Haïti: en Europe, Saint-Domingue a le roi de France pour souverain; à Haïti, ce sont les Nègres: en Europe Saint-Domingue appartient à l'ordre monarchique; en Amérique, Haïti forme une république: en Europe, les propriétaires de Saint-Domingue sont Français et blancs; à Haïti, ils sont Africains et noirs: voilà en raccourci le tableau du monde actuel. En Europe, il ne manquerait pas de bonne volonté, peut-être même d'appétit, pour attaquer Saint-Domingue; mais à Haïti, il ne manque pas non plus de volonté de se défendre et de moyens de le faire; l'Europe peut même se rappeler comment on se défend dans ce pays-là; la date de la leçon est encore assez fraîche pour qu'on ait pu, si l'on a voulu, en garder la mémoire.

Que faire donc avec Haïti? l'attaquer est impossible, inhumain, ruineux; empêcher ce qui existe, hors de tout pouvoir humain.

Haïti ne professe aucun principe antisocial ; Haïti ne peut que faire du bien à qui forme et entretient des relations avec lui. Qui donc peut porter à ne pas reconnaître un Etat existant, social, profitable à tous ?

Des rapprochemens ont été tentés, dira-t-on, cela est connu ; mais qui les a rendus vains ? A-t-on pu mettre à l'écart tout ce qui est comme écrit dans la nature des choses, au point de se flatter que Haïti entendrait à quelque composition sur la reconnaissance de l'indépendance, ou que le détour de la *suzeraineté* suffirait à la fois à la garantie de Haïti et à la dignité de la France ? qu'il sacrifierait ce préliminaire à l'appât d'un protectorat que lui accorderait la France : c'eût été une grande erreur, dont plusieurs documens auraient dû préserver, et dont on doit bien être revenu aujourd'hui. Jamais Haïti, non plus que le reste de l'Amérique, n'écouterait de propositions dont la reconnaissance de l'indépendance ne sera pas la base. C'est sûrement pour la dernière fois qu'on aura vu le contraire : c'est aussi pour la dernière fois que les détours et les subterfuges diplomatiques doivent être employés vis-à-vis de Haïti et de l'Amérique : c'est la vieille langue du vieux Continent ; celle du Nouveau-Monde se compose de clarté, de franchise et de précision ; les archives de ces pays-là rejettent ce qui surcharge celles du nôtre. Haïti n'a besoin d'aucun protectorat : pour quel objet et contre qui ce protectorat ? Ce ne peut être que contre l'Angleterre. Que peut la France contre elle, là où il s'agit de marine ? A son tour, Haïti aurait-il à protéger la France dans ses guerres ? Que lui font les guerres et les intérêts de la France ? A peu près comme les guerres de l'Espagne font au Mexique et au Pérou. Haïti n'est pas une *puissance*, mais un champ de riches moissons ; l'Europe et la France n'ont pas d'autre intérêt à l'égard de Haïti que de le faire prospérer : croire l'embarrasser de son inimitié est un mauvais calcul ; car, tant qu'il aura du sucre et du café, Haïti ne manquera jamais de la présence des hommes qui le feront jouir du mouvement alternatif du commerce, celui qui tour à tour vide et remplit les magasins, et les remplit à mesure qu'il les vide. Haïti n'a pas d'autre intérêt ; tous les siens sont dans le commerce, et non pas dans la politique.

Que l'on n'allègue pas la dignité de l'ancien souverain : si elle n'a pas empêché l'ouverture des négociations, elle ne doit pas en empêcher la conclusion. La dignité ne consiste pas à reculer quand il faut finir, mais à se refuser à toute tentative ou proposition : il est trop tard quand les choses ne sont plus entières. Le mot même de dignité a changé d'acception ; tout ce qui se rapporte à un intérêt public est *digne*, quand la morale n'en souffre pas et quand les formes sont observées. Les colons relevés de leurs longues infortunes ne marchanderaient pas sur la dignité ; la France, après avoir donné

tant de millions, trouverait *digne* d'en recevoir à son tour ; et Bordeaux, Nantes et le Havre ne croiraient pas la dignité nationale blessée par l'acte qui leur ouvrirait et qui seul peut leur ouvrir les portes d'une contrée qui fit leur ancienne opulence, qu'ils voient avec douleur passer dans des mains étrangères par des considérations dont le fondement les touche très peu.

Si l'on a craint l'influence de cette reconnaissance sur les autres îles peuplées d'esclaves, si c'est un ménagement pour les autres nations coloniales, il est bien naturel de penser que ce n'est pas la reconnaissance, mais l'existence de Haïti qui agit sur les habitants noirs de l'archipel américain. L'accumulation des esclaves a mis cette région dans un état permanent de danger : cela est vrai ; mais quel remède y apportera le refus de la reconnaissance de Haïti ? Tant qu'il est indépendant de fait, tant que de son côté le continent américain l'est aussi, le refus opposé à Haïti ne changera rien ; il pourra même aggraver la position, en portant Haïti à l'arracher par la force qui étendrait les dispositions insubordonnées des Nègres dans les autres îles, pour se fortifier par leur concours ; au lieu que la satisfaction accordée volontairement serait propre à amortir chez des hommes satisfaits toute propension pour des troubles dont il ne leur reviendrait plus que l'odieux. Mais, dans cette question d'*égards*, quel est le partage de la France ? N'est-ce pas encore, comme dans la question de l'Amérique, la France qui subit les pertes les plus douloureuses, 1° comme ayant eu et pouvant encore avoir la part la plus étendue et la plus directe dans le commerce de Saint-Domingue ; 2° à titre d'indemnité pour une partie de ses citoyens ; 3° comme ayant à craindre d'être supplantée par des étrangers sur la terre qui fut sa propriété. La France a, dans l'affaire de Saint-Domingue, des intérêts qui ne sont pas communs aux autres nations ; si cependant elle se règle sur leurs intérêts, elle peut être exposée à sacrifier les siens propres. Cette considération revient à chaque instant pour la France dans toute la question coloniale et américaine ; et la séparation de ses intérêts avec ceux des autres puissances européennes, l'avertit de la nécessité de séparer aussi sa conduite de la leur. Par une singularité remarquable, c'est en reconnaissant l'indépendance de l'Amérique que la France recouvrera toute la sienne.

Haïti est pourvu de tout ce qui se fait remarquer parmi les peuples civilisés : il est armé de toutes pièces pour sa défense propre, le gouvernement est complètement organisé, les institutions s'affermissent et se développent. Depuis la chute de Christophe, Haïti compte deux chefs, les généraux Péthion et Boyer, qui ne le cèdent en rien aux chefs et directeurs des gouvernemens de tous les autres pays ; ils ressemblent à ces présidens des Etats-Unis, dont le langage, la conduite, la fermeté, la modération, sont l'admiration de

l'univers, et sont destinés à lui servir de modèles. A son tour, le temps de l'humanité ne serait-il pas venu, et celui de la politique n'a-t-il pas assez duré ? On a perdu une colonie, mais on a gagné des hommes ; une population entière s'est réhabilitée ; elle a appris à réunir les attributs moraux de l'humanité à ses apparences. L'homme n'existerait-il donc que pour la politique, et les pertes de celle-ci ne seraient-elles pas compensées par la conformité qu'un grand nombre d'hommes acquièrent avec leurs semblables, en développant comme eux les attributs dont le ciel a honoré l'humanité ?

CHAP. XXVIII.—Brésil.

Le Brésil est devenu indépendant du Portugal par les mêmes mobiles qui ont fait la séparation de l'Amérique avec l'Espagne, le sentiment de sa force propre et des inconvénients de l'état colonial lointain. L'esprit révolutionnaire est étranger à la révolution du Brésil : elle est le produit direct du passage du roi dans cette contrée. Sans la contre-révolution européenne de 1814, c'était le roi même qui séparerait à jamais le Brésil du Portugal ; mais ce qu'il n'a pas fait directement, il l'a fait par l'ordre qu'il a établi dans ce pays, en y laissant son fils. Par là, il l'a royalisé, mais il l'a séparé du Portugal. S'il n'eût pas laissé de représentant au Brésil, il devenait république, comme l'a fait l'Amérique, et par la même raison, l'absence des princes. La cause la plus active de division entre le Portugal et le Brésil consistait dans le désir que chaque pays ressentait pour être le siège de la résidence royale : les prétentions réciproques étaient inconciliables, et chaque parti décidé à ne pas céder. En retournant en Portugal, le roi a pris un moyen terme, celui de laisser son fils au Brésil : cette résolution a porté le fruit qu'il était naturel d'en attendre. Le prince dépositaire s'est fait souverain titulaire : là ont paru avec évidence les dispositions réelles du Brésil, car il a accueilli avec enthousiasme l'inauguration du nouveau souverain, et la seule crainte qu'il ait témoignée est celle de quelque connivence du nouvel empereur avec son ancienne patrie. Il est bien évident que l'empereur *Don Pedro* est au Brésil le conservateur de la royauté, et que son absence serait immédiatement suivie de l'installation de la république ; car le Brésil, sous aucun rapport, n'a besoin du Portugal ; il ne lui demande qu'une seule chose, de cesser de s'occuper de lui ; au lieu que le Portugal a besoin du Brésil, et veut le retenir dans sa dépendance. La position des deux pays l'un à l'égard de l'autre est donc entièrement contradictoire, comme il arrive presque toujours dans le cas de la séparation d'une colonie avec la métropole. Le Portugal, avec le

désir de l'union, veut une chose impossible, au lieu que le Brésil en demande une qui est dans la nature des choses. Quand le Brésil était sauvage, désert, ignorant, le Portugal le conquiert facilement ; devenu égal en forces, sinon supérieur au Portugal, il ne peut plus redevenir sa conquête : le temps des conquêtes coloniales est passé pour le Portugal comme pour l'Espagne, et il ne reviendra plus pour personne. Le Portugal doit s'arranger sur ce nouvel ordre de choses, et ne plus songer à la propriété du Brésil, mais seulement à commercer avec lui : car, soit par la monarchie, soit par la république, le Brésil est et restera également indépendant. De cette première question, il faut passer à une seconde, et celle-ci est autant couverte d'obscurités que la première l'est de clarté. Le Brésil conservera-t-il la forme monarchique ? Ici beaucoup de choses sont à considérer. 1° L'empereur n'est pas encore protégé par le droit légitimaire. Ce prince s'est placé bien en dehors de ce droit à l'égard de son père et de son pays : il a proclamé son affranchissement de ce droit, et nul libéral Européen n'a surpassé la doctrine contenue dans le manifeste qu'il publia à l'occasion de son élévation à l'empire, qui commençait par ces mots : *Le temps de tromper les hommes est passé*. En supposant que, par un arrangement amiable, le roi cède à son fils son *droit* sur le Brésil, cette concession ajoutera fort peu à la considération du cessionnaire, car il n'est guère besoin de recevoir un droit que déjà l'on a pris et déclaré être sien.

Le Brésil est placé au centre des républiques américaines ; il sépare Buénos-Ayres de Colombie et du Mexique : l'empereur occupe *Monte-video*, propriété de Buénos-Ayres, dont on s'est emparé sous les prétextes les plus frivoles ; ce prince a parlé fort mal des républiques américaines, il les a qualifiées d'une manière flétrissante pour elles ; les sujets de querelle et d'animosité ne manqueront donc pas. De plus, comment le système républicain de l'Amérique s'accommodera-t-il de l'établissement d'une grande monarchie, au milieu de lui ? A peu près comme en Europe serait accueillie par la royauté, la survenance d'une grande république. Le Brésil est d'une immense étendue ; la surveillance ne peut manquer de souffrir de la grandeur de ces espaces : toute la partie du nord a témoigné de la propension pour l'ordre républicain. L'esprit républicain a éclaté plusieurs fois à *Fernambouc* ; la famille royale de Portugal n'a que deux appuis ; la division règne dans cette famille. Si l'empereur préférerait le retour au Portugal au séjour du Brésil, que deviendrait ce pays livré à lui-même ? l'avenir du Brésil est donc couvert de plus d'obscurités qu'il n'est donné à l'œil de l'homme de pouvoir en pénétrer. On ne peut affirmer qu'une seule chose ; c'est que l'état de ce pays est précaire, et qu'il flotte entre la monarchie et la république.

CHAP. XXIX.—*Rome et l'Amérique.*

Combien le monde s'est agrandi depuis l'ancienne Rome ! que connaissait-elle dans cet univers qui n'a plus de secrets pour nous ? César n'a pas plus connu l'Amérique, que la plus grande partie de ses successeurs désarmés, qu'il serait si étonné de trouver à sa place au Capitole, et qui, en répandant des bénédictions sur Rome chrétienne, les adressaient fièrement *urbi et orbi*, comme Moïse parlait des limites du monde en désignant celles de la Judée. Eh bien, qu'était *l'orbis* de ces temps en comparaison de celui du nôtre ? De hardis navigateurs, en tournant leurs voiles vers l'Inde et l'Amérique, ont révélé un monde inconnu, et le patrimoine de Saint Pierre a reçu d'eux de superbes domaines. Partout où des Argonautes catholiques portent leurs autels, avec eux ils apportent un trône pour Rome, et toute conquête de l'Europe en devient une pour elle : Rome sans légions a plus acquis et plus solidement qu'elle ne le fit par les guerriers dont le nom en impose encore au monde. Ici, il faut admirer un rare bonheur pour la religion et pour l'humanité. Le ciel a permis que le bras des mahométans s'armât d'un glaive qui, par ses coups, a tout renversé et tout détruit ; la destruction a marché devant eux, ils sont restés comme enchaînés aux rivages, limites de leurs conquêtes ; il semble qu'il leur ait été dit comme à la mer, *non ibis amplius*. S'ils eussent été navigateurs et coloniaux, que de contrées subissaient leur culte absurde et leurs mœurs féroces ! Enveloppant ainsi le monde, puisant aux sources de la richesse, ils envahissaient l'univers.

La domination papale a suivi en Amérique la domination espagnole ; celle-ci lui a aplani les chemins. Rome régissait l'Amérique comme l'Espagne, et le roi catholique était, à Mexico, à Lima, à Buénos-Ayres, le vice-roi du pape, y maintenant son autorité comme la sienne propre ; les principes monarchiques de Rome et de Madrid s'assortissaient fort bien ensemble ; l'empire de Rome appuyé sur ces deux pivots n'éprouvait aucun obstacle dans toute l'Amérique ; une population encore faible ne donnait lieu qu'à un petit nombre d'affaires, l'ignorance assurait la soumission aveugle ; un pareil ordre de choses s'administre facilement ; quelques évêques suffisaient aux besoins d'une population peu nombreuse ; paraissant au milieu d'hommes peu éclairés, sous le double égide de Rome et de l'Espagne, ils en imposaient beaucoup ; il n'y avait ni complication, ni points de résistance. Mais la révolution de l'Amérique a changé tous ces rapports, elle a atteint Rome autant que l'Espagne. L'Amérique était *une* en gouvernement, elle est multiple ; elle était royaliste, elle est republicaine ; elle était ignorante, elle est éclairée, et s'éclairera

tous les jours. Son clergé supérieur était Espagnol, il sera américain; il abondait en nombre et en richesses, il sera réduit à ce qu'exigent les besoins réels et les convenances. Mais le changement le plus important, majeur, celui que l'on peut appeler décisif, résulte de l'accroissement inévitable de la population américaine; ici, il faut porter ses vues au loin, et se bien garder d'évaluer la population à venir de l'Amérique d'après ce qu'elle est dans ce temps; il faut tenir compte de la force des mobiles qui vont concourir à son accroissement. A cet égard l'Amérique espagnole est bien mieux partagée que ne l'est l'Amérique du nord; le climat de la première est admirable, sa terre beaucoup plus féconde, beaucoup plus vivifiée par le soleil, les subsistances plus abondantes, et plus spontanées que dans le nord, les cours d'eau plus nombreux et plus volumineux, et l'on sait que partout la population se règle sur le volume et le voisinage des fleuves; toutes ces propriétés des terres américaines ne peuvent manquer d'amener à leur surface une immense population, et dont la progression ascendante dépassera celle qu'éprouve la population des Etats-Unis, quelque forte qu'elle soit. Voilà pour l'Amérique.

En nous tournant du côté de Rome, qu'allons-nous trouver? une disposition constante à l'immutabilité; c'est là son essence; Rome repose sur une pierre dont on ne peut rien détacher, et contre laquelle on ne peut pas prévaloir; Rome n'avance ni ne recule; ¹ elle est fixe; cependant en Amérique tout changera, tout s'animera d'un esprit nouveau; des peuples nombreux s'élèveront dans les lieux que ne vivifie encore aucune population; d'innombrables générations sortiront de cette terre, rien ne peut empêcher leur essor; elles éprouveront les besoins attachés à leur culte, et ce culte sera celui de Rome; ces besoins doivent être satisfaits; là réside le problème nouveau qui s'élève entre l'Amérique et Rome; l'immutabilité et la nouveauté vont se trouver en présence; elles ont à décider sur un objet d'une importance que rien ne peut surpasser, ni quant au fond, ni quant à l'espace sur lequel il porte.

Le caractère de stabilité inhérent à Rome, avertit quiconque traite avec elle, qu'il faut songer à l'avenir autant qu'au présent; avec Rome, quand on a signé, il est trop tard pour se repentir; elle ne sait pas abandonner ce qui a été fait; encore à cette heure, la France n'a pas pu parvenir à se défaire des embarras résultant d'un concordat fait il y a 300 ans; dans ses négociations avec Rome, l'Amérique doit se régler sur cette connaissance de son caractère particulier; c'est une donnée certaine qu'elle ne doit pas perdre de vue; qu'elle prenne bien garde en signant une première fois, car

¹ Avant la révolution, à Rome, le roi de Prusse n'était encore que le marquis de Brandebourg, et l'empereur de Russie, le czar de Moskovie.

avec Rome le retour est difficile. Le principe de conduite à observer à l'égard de Rome, c'est de n'avoir à faire avec elle qu'une seule fois, mais cette fois de savoir bien ce que l'on fait ; car lorsque l'on l'ignore, Rome le sait. Dans ses négociations avec Rome, l'Amérique est donc conduite, par les attributs même de Rome, à faire reconnaître et établir un principe général d'action dans la satisfaction de ses besoins religieux, principe qui soit capable de la dispenser de recourir sans cesse à Rome ; ici, le véritable esprit religieux emprunte à la prévoyance toutes ses alarmes et toutes ses clartés. L'Amérique appartient au catholicisme ; il faut qu'elle lui reste ; le catholicisme est inséparable de l'union avec Rome ; le peuple américain a été formé au catholicisme par des maîtres espagnols ; la rupture avec Rome peut avoir les plus graves inconvénients, même dans l'ordre politique ; de son côté, Rome a le plus grand intérêt à la conservation de ce superbe domaine. Par la plus heureuse combinaison, il y a donc concours d'intérêts pour la conservation du catholicisme en Amérique ; ainsi, tout dépend de la manière dont on s'y prendra des deux côtés pour accomplir ce grand ouvrage ; de part et d'autre, il y a à éviter tout excès, toute prétention, toute tenacité, soit à la vétusté, soit à la nouveauté ; il faut voir ce qui est applicable à l'Amérique dans sa nouvelle formation, et ne pas s'obstiner à se régler sur l'ancienne ; la catholicité ne doit pas être sacrifiée à des maximes ou bien à des pratiques que le temps a privées de leur ancienne valeur ; il faut que tout soit réglé sur l'état de la nouvelle Amérique, et non pas sur celui de l'ancienne qui n'a plus rien de commun avec celle d'aujourd'hui. Les institutions doivent se rapporter aux temps, aux lieux, aux personnes, et non pas ceux-ci à celles-là. Puisqu'il faut qu'il existe entre l'Amérique et Rome un lien solide et durable, il ne faut pas qu'il soit de fer ; une matière plus ductile y conviendra mieux ; de son côté, l'Amérique ne peut vouloir que des choses conformes à sa nouvelle position, à son désir de tenir au catholicisme ; elle n'a pas un seul intérêt contraire à cette intention orthodoxe ; elle a fait du culte catholique le culte exclusif de toutes ses républiques ; son intention ne peut donc pas être révoquée en doute ; elle ne peut pas paraître, ni être exigeante en demandant qu'on lui fournisse les moyens de satisfaire à ses devoirs religieux, sans y attacher d'insupportables gênes... Car, heureusement, il n'y a entre l'Amérique et Rome aucun sujet de discorde sur le fond ; toutes deux veulent la même chose, le catholicisme ; les difficultés ne pourraient s'élever que sur les moyens d'entretenir le catholicisme, et de satisfaire aux besoins religieux de l'Amérique.

Ici apparaît la question dans toute sa vérité : la voici ; elle tient à la géographie. Rome peut-elle, du centre de l'Italie, gouverner directement l'Amérique ? Celle-ci doit-elle être assujettie à recou-

rir à Rome à chaque mutation de siège épiscopal, et à chaque cas réservé à Rome ? L'éloignement, les dangers de longs voyages sur mer, leur cherté, les inconvénients du déplacement, n'exigent-ils pas, dans l'intérêt même du catholicisme, que l'Amérique trouve dans son propre sein les moyens de suivre son culte, d'accomplir ses devoirs religieux, sans subir des inconvénients de cette nature ? Il est évident qu'à la longue ils peseraient sur l'Amérique d'un poids insupportable, et la porteraient à des résolutions extrêmes ; car, enfin, il n'y a plus en Amérique un roi d'Espagne conservateur de l'autorité de Rome, mais six grandes républiques ; plus de clergé espagnol, mais un clergé américain ; il n'y a plus de portes fermées aux lumières, plus d'enseignement de Salamanque, plus de population clair-semée sur de vastes espaces, mais des hommes qu'il faudra compter par millions. Un monde nouveau s'est formé ; il faut avec lui une direction nouvelle. La considération des distances doit surtout être appréciée. Que l'on remarque une des sources des grandeurs de Rome, soit guerrière, soit religieuse : c'est sa position centrale en Italie et dans le monde alors connu. Par elle, elle touchait à la fois à tout ; alors la Méditerranée était le centre du monde, et Rome occupait le centre de la Méditerranée. La distance lui a toujours été fatale ; elle n'a pas même pu retenir Constantinople ; tout le Nord lui a échappé ; il ne lui est resté que ce qui l'avoisine, avec les colonies de ces États voisins. Là, où Rome ne peut pas atteindre directement, elle gouverne par des vicaires apostoliques, ainsi Rome guerrière gouvernait les provinces éloignées par des proconsuls ; mais cette pratique n'est bonne que pour des colonies resserrées, ou pour des pays auxquels des missions suffisent ; ce moyen serait insuffisant et illusoire pour l'Amérique ; il n'est pas employé dans les grandes monarchies de l'Europe ; leur dignité s'en tiendrait blessée. La désignation de ces agents pouvant revenir souvent, elle ferait ressentir à l'Amérique les inconvénients de recourir fréquemment à Rome pour les remplacer. Ces agents seraient révocables, ils dépendraient plus de Rome qu'ils ne seraient attachés à l'Amérique. Ce moyen d'union avec Rome est donc impraticable. Il faut que l'Amérique trouve chez elle tout ce qui lui est nécessaire pour l'exercice constant et facile de son culte.

Celui-ci s'entretient par l'épiscopat, mais Rome veut être maîtresse de l'épiscopat, et le faire découler d'elle comme en étant la source : c'est là sa prétention, et ce qu'elle réalise par l'institution canonique. C'est dans la force de ce lien qu'elle se confie pour maîtriser les souverains, et pour les forcer à lui céder par le refus

* La prétention de Rome est de tenir le pouvoir directement de J.-C., et de le communiquer à l'épiscopat, qui ne le reçoit ainsi que d'une manière secondaire.

prolongé des institutions canoniques. Elle l'a employé avec succès contre Louis XIV. Pendant onze années, Rome refusa des bulles à trente-deux évêques nommés par ce prince, d'ailleurs si religieux ; et rien ne put vaincre la résistance de Rome. Si elle a fléchi un instant sous la main irrésistible de Napoléon, elle s'est relevée de sa condescendance, et a repris son ancienne position. C'est là que l'Amérique va la retrouver, c'est là qu'elle va avoir à pactiser avec elle. L'Amérique a déjà fait des avances à Rome ; elles n'ont pas été heureuses : son envoyé n'a pas même été écouté. Le vicaire apostolique que Rome avait envoyé au Chili paraît s'être mépris sur la nature de son rôle, et s'être fait l'agent de l'Espagne autant que celui de Rome, encore plus celui de la politique que celui de la religion ; fatale méprise, et plus dangereuse encore en Amérique qu'en Europe...

Que Rome elle-même prenne bien garde à des vicaires apostoliques qu'elle ne pourrait pas surveiller au milieu des espaces de l'Amérique : peut-être parmi eux trouverait-elle quelque *Photius*. Rome doit se soumettre à la loi commune, celle des proportions ; tout ce qui est disproportionné périclité : un câble de fer se détend par sa prolongation, et fléchit dans son centre. Comment Rome gouvernerait-elle le globe, s'il était catholique d'effet, comme il l'est de nom ? Et si elle avait ce pouvoir, que seraient tous les autres, et que leur resterait-il ?

Tel est le tableau de la nouvelle situation que la révolution de l'Amérique a créée pour Rome ; heureusement Rome a toujours été *la chose du temps*. Sainte au temps de la sainteté, altière et dominatrice au temps de la crédulité, réservée et circonspecte depuis l'introduction des lumières, mémoratrice du schisme d'Henri VIII, et de la réformation du seizième siècle. Pour elle arrive en Amérique un moment encore plus critique que le temps où elle reçut ces deux grandes leçons : l'Amérique se présente à Rome dans un appareil encore plus imposant ; car tout y est immense et neuf. Cette situation si grande et si nouvelle est bien faite pour fixer également les regards des catholiques et des politiques : Rome sera mise à une épreuve bien plus grave que toutes celles auxquelles elle a encore été soumise. Les temps, les choses, les hommes, tout contribue à l'aggraver : la séparation du spirituel avec le temporel est aujourd'hui le sentiment de l'univers ; elle sera l'objet de l'application spéciale de l'attention de l'Amérique. Espérer en détourner des hommes avertis par beaucoup de leçons, par beaucoup d'exemples, serait se nourrir d'un espoir dangereux, car il ne peut manquer d'être décevant. L'Amérique est trop éclairée pour être sujette à aucune illusion : elle voudra le vrai et le bien, elle le voudra avec la force que donne la raison ; et dans le fait, qu'objecter à des hommes qui viennent offrir leur encens à un autel auquel ils ne demandent que de ne pas leur

refuser, ou de ne pas leur faire payer trop cher les moyens de lui renouveler leurs hommages? L'Amérique demande à entretenir le feu sacré, mais sans esclavage et sans interruption. Voilà en quel état elle se présente devant Rome. Espérons que celle-ci, pénétrée de l'importance de sa résolution, l'embrassant dans sa totalité, écartant toute considération mondaine, recueillera toute la force de cet esprit qui souvent l'a si bien servie, et qu'aidée par un discernement excité par ces grands intérêts, Rome ne refusera pas à l'Amérique les satisfactions qui l'attacheront à elle, et qui, dans cette famille immense, lointaine, lui feront trouver des enfans respectueux, mais éclairés, des chrétiens fidèles à la fois à leurs devoirs religieux et à leurs devoirs de citoyens. L'accord de ces sentimens nouveaux parmi les Américains indique à Rome la route qu'elle doit suivre avec eux, et qui, en conservant l'Amérique au catholicisme, lui méritera les bénédictions de l'univers.

CHAP. XXX.—*La Grèce.—Considérations générales.*

Dans la première partie de cet écrit, il a été établi que la révolution de la Grèce n'était pas le produit de l'esprit révolutionnaire, ni de menées démagogiques, mais qu'elle était 1° la continuation des tentatives qui plusieurs fois avaient été faites pour l'affranchir du joug ottoman, tentatives excitées quelquefois par les puissances mêmes qui aujourd'hui allèguent l'esprit révolutionnaire contre la Grèce; 2° l'effet naturel de la violence du gouvernement turc; 3° celui du retard des Turcs en civilisation; 4° celui des progrès de la Grèce en civilisation et en population; 5° celui de l'état général du monde; 6° que la Turquie perd la Grèce par les mêmes causes qui font perdre l'Amérique à l'Espagne; 7° que cette révolution renferme les plus précieux avantages pour l'Europe et pour l'humanité, en étendant la civilisation, et en favorisant son introduction en *Asie*.

Dans plusieurs écrits précédens, en traitant de la révolution de la Grèce, j'avais annoncé que si cette révolution se soutenait contre la première attaque de la Turquie, elle finirait par prévaloir contre elle; que la Turquie était dépourvue de toute force réelle et virile; que l'expulsion des Turcs de l'Europe était un bienfait immense pour celle-ci; que la division, les perfidies et les ambitions privées, surtout parmi les militaires, étaient les ennemis les plus redoutables de la Grèce, et que cette révolution ne pouvait s'établir que par son propre bras, sans aucun mélange étranger, lequel renfermait beaucoup de dangers pour elle.

Dans ces aperçus, tout ce qui est relatif aux faits s'est réalisé. La Grèce a couru de grands dangers par des chefs ambitieux: des perfidies vraiment orientales y ont eu lieu. La Grèce a triomphé

dans quatre campagnes consécutives, son épée et son pavillon ont pris l'ascendant sur ceux de la Turquie. La croix prévaut sur le croissant dans la cinquième campagne, comme elle l'a fait dans les précédentes. La Grèce rentre dans l'arène, forte d'expérience, d'organisation et d'argent. La Turquie, travaillée par mille principes de dissolution, se précipite vers sa ruine avec la rapidité des corps en chute : ses armées ne sont plus qu'une populace, lâche devant l'ennemi, hardie seulement pour le pillage et contre des victimes désarmées. La flotte surcharge l'Archipel d'un poids inutile, et dirigé par l'ignorance : le trésor est vide, la mutinerie est dans les soldats, la rébellion ouverte ou méditée dans les pachas, les auxiliaires sont des complices déguisés avec l'ennemi qu'ils ont l'air de combattre. *La Turquie tombe, elle n'en peut plus.* Le système de François I^{er} et de Louis XIV, pour faire de la puissance ottomane le contre-poids de la puissance autrichienne, système honorable pour ces deux princes, se rapportait à des temps de grandeurs qui ne sont plus. *Les Turcs ne sont plus bons qu'à être chassés de l'Europe, il faut en désinfecter cette contrée.* Leur expulsion est la nécessité de l'Europe ; mais, de plus, elle en est le vœu. Le seul nom de la Grèce l'a fait tressaillir : il semble à chaque Européen sentir dans chacune de ses facultés quelque chose qui lui rappelle une dette à acquitter envers cette Grèce, qui a tant fait pour l'humanité, et pour cette Europe qui la délaisse, et qui assiste à ses combats, comme l'inhumaine Espagne le fait à la lutte des hommes contre des animaux farouches. Un jour l'Europe aura à s'excuser devant l'histoire de l'insensibilité qu'elle a témoignée aux enfans de ceux qui lui ont préparé la politesse de son esprit, et ses jouissances les plus exquises. Lord Byron a absous l'Angleterre ; mais qui absoudra le continent, et lui rendra sa gloire ?

Ce n'est pas que les Cabinets aient encouru tous les reproches qui leur ont été adressés : il faut fuir les exagérations, et, quand il y a à blâmer, ne s'en prendre qu'à ce qui mérite de l'être. Si l'on n'avait pas le droit de se déclarer contre les Grecs, on ne l'avait pas davantage de le faire contre les Turcs : ils n'avaient pas fait d'offenses, leur souveraineté était reconnue. De quel droit leur dire : *nous vous retirons notre reconnaissance, et nous la portons à d'autres ?* Dans le droit général, il n'y a rien à assigner contre la conduite des Cabinets ; mais il n'en est pas de même pour la malveillance ouverte, constante, qui a été montrée à la Grèce ; pour les empêchemens et les entraves mis aux démarches qui pouvaient favoriser la Grèce ; pour la faveur accordée aux Turcs, et pour une espèce de connivence avec eux. De tous les rôles qui se présentaient à elle, l'Europe a précisément choisi celui qui convenait le moins à sa grandeur : un cri de surprise douloureuse s'est élancé de toutes ses parties, quand après les massacres de Scio, et les triomphes

de Thismé, à Vérone, à Rome, on a vu refuser une simple audience.

Sûrement les ministres européens ne se sont pas manqué à eux-mêmes, ainsi qu'aux pays dont ils manient le pouvoir, au point de négliger de porter le Divan à s'abstenir de procédés qui font frémir l'humanité, et à tempérer la rage de ceux dont il emploie le bras. Les forces navales de la France et de l'Angleterre, dans le Levant, auront prêté leur appui aux victimes de cette lutte cruelle. Autant il aura été fait *en humanité* pour les Grecs, autant il a été peu fait en politique. Le gouverneur des Iles Ioniennes, Maitland, a laissé après lui un nom *anti-grec* ; une escadre anglaise a fait devant Napoli de Romanie des significations de ce ton impérieux que la force sait si bien prendre vis-à-vis de la faiblesse. Une partie des armemens turcs ont été formés par des sujets des puissances européennes : les fonds grecs n'ont encore d'existence légale que dans le grand rendez-vous des trésors de l'univers, *le libre parquet de la bourse de Londres* ; car c'est toujours vers Londres qu'il faut se tourner, quand il s'agit de liberté. Ailleurs, ils sont repoussés, ainsi que ceux de l'Amérique. *L'Observateur autrichien* a poursuivi la Grèce de ses outrages, de ses récits controvés, de la peinture des forces ottomanes, d'imputations directes ou détournées : il ne lui a épargné aucun signe de la malveillance de ceux dont il est l'organe. Les écrivains aristocratiques de Paris n'ont pas fait mieux contre l'Amérique : de part et d'autre, poids ignoble et faible tout-à-la-fois, qui n'a pas arrêté un seul instant la course du char de triomphe de l'Amérique et de la Grèce. La conduite des Cabinets à l'égard de la Grèce est la répétition exacte de celle qu'ils ont tenue à l'égard de l'Amérique : aussi leurs embarras ne sont-ils pas moins grands d'un côté que de l'autre ; on dirait que partout où ils ne peuvent atteindre avec leurs baïonnettes, l'esprit les abandonne, et que la terre leur manque partout où la nature de l'action se refuse à l'application matérielle de la force, celle des soldats. Les Cabinets se trouvent dans une position singulière et toute neuve. A l'Occident et à l'Orient, ils sont placés entre deux révolutions à la fois de sociabilité et de politique. Sous le rapport de la sociabilité, cette révolution les alarme uniformément ; mais, sous celui de la politique, elle les divise sur plusieurs points. Ainsi l'Autriche et la Prusse concourent avec la Russie sur l'article de la sociabilité ; mais sûrement elles diffèrent sur la politique de l'Orient. L'affaire de la Grèce offre donc plus de complication que ne peut le faire celle de l'Amérique, qui est *une*, c'est-à-dire toute de sociabilité.

De plus, l'Angleterre reparaît encore dans cette question ; mais son rôle y est contraint, et ne peut pas se développer comme elle l'a fait dans celle de l'Amérique. Là, comme tout se passe sur mer, il y a *omnipotence* pour elle. Au contraire, dans l'Orient, elle

rencontre une autre *omnipotence*, celle de la Russie, qui a sur le continent autant d'avantages qu'elle-même en a sur l'Océan. L'Angleterre peut bien surveiller la Russie, mais elle évitera sûrement de l'irriter; car enfin, avec ses mille vaisseaux, comment chasserait-elle de la Turquie un simple détachement du *million* de soldats dont la Russie dispose? Ces deux puissances sont si grandes, qu'elles s'en imposent mutuellement par leur masse et par la considération des suites que leur collision ne pourrait manquer d'avoir.

L'objet principal de l'attention de gouvernemens est le maintien de la paix. L'affaire de la Grèce est le seul sujet de division présente qui existe en Europe : on peut croire à de grands sacrifices pour éviter toute rupture. Depuis quatre ans, l'empereur de Russie donne un exemple soutenu de magnanimité : maître de renverser d'un seul souffle la puissance ottomane, il a toléré avec une inépuisable longanimité les détours insolens par lesquels des barbares bien informés de ses dispositions pacifiques, éludent les traités et leurs engagements relatifs aux principautés de Valachie et de Moldavie. A mesure qu'Alexandre a voilé sa puissance, le sultan a fait éclater un orgueil tenace, et depuis quatre ans on voit le terrain réclamé par la force maîtresse de le saisir, retenu par la faiblesse. A Constantinople, on sait que Pétersbourg veut la paix : on se règle sur cette connaissance; toute la politique turque roule sur ce point. Les Turcs, il est vrai, sont des barbares couverts de la lèpre de toutes les ignorances; mais ils ont à leur service des hommes qui ne sont pas des barbares, mais des politiques de l'ancienne école italienne du moyen âge, greffée sur les traditions du Bas-Empire. Ce mélange forme une diplomatie d'un genre à part, mi-partie de l'Europe et de l'Asie, de la barbarie et de la civilisation, et dans laquelle des *Machiavel* d'Europe prêtent leur mauvais génie à des hommes qui n'ont que des mains pour manier des sabres; et comme, chose honteuse, une très grande partie de l'esprit du monde est à vendre, ils en achètent à ceux qui en ont à vendre; et malheureusement il ne manquera jamais de ces gens-là.

Tel est le tableau de l'état général dans lequel la Grèce se présente à l'observation, au moment de l'ouverture de cette nouvelle campagne. Il est possible qu'elle soit la dernière. Le sultan croit peut-être qu'il n'a qu'à suivre contre les Grecs la tactique que ses prédécesseurs observaient dans les batailles : tout leur art consistait à faire périr le plus grand nombre possible des ennemis par le sacrifice de leurs propres soldats, jusqu'au moment qui, les trouvant affaiblis, permettrait à des corps de réserve de les accabler. Ce calcul inhumain pourra bien être trompé : le sultan, comparant la population dont il dispose à celle des Grecs, se figure qu'à force de faire tuer des *siens*, il verra la fin des Grecs. Ce barbare réduit ses combinaisons à deux mots : *au dernier vivant*; mais il s'abuse. D'abord il n'aura pas même ce nombre : de plus, ce nombre ne se

fera pas tuer ; il fuira, il portera le désordre partout. Qui sait même sur quoi ils porteront ou ne porteront pas la main ? Le temps est donc venu de s'occuper de la solution de cette question : elle a beaucoup marché depuis 1821. Alors il n'était question que d'anathèmes contre la Grèce : aujourd'hui on demande, qu'en fera-t-on ? C'est le second degré de la question ; le premier est épuisé. Mais ici il faut aller au-devant des erreurs qui de nouveau pourraient avoir lieu dans la marche que cette nouvelle position exige. Tel sera l'objet des trois chapitres suivans.

CHAP. XXXI.—*Du Droit d'intervenir dans les affaires de la Grèce.*

Combien de fois, depuis quelques années, ce mot d'une redoutable ambiguïté n'a-t-il pas été proféré ? Combien de fois n'a-t-il pas frappé et parcouru l'Europe, nouvelle épée de Damoclès, suspendue sur sa tête ? Quand y aura-t-il enfin des principes convenus sur ce droit et sur son exercice ? Les peuples resteront-ils toujours dans ce vague menaçant ? Il s'agit des racines mêmes de la sociabilité, du principe de l'indépendance des nations : le droit public n'a pas encore fait, pour les sociétés humaines, ce que le droit civil a fait pour les individus. Au moins ceux-ci savent à quoi s'en tenir. Heureusement que, dans l'affaire de la Grèce, il n'y a eu encore que des vœux émis. S'ils eussent été réalisés, on aurait vu le glaive de l'intervention s'étendre à la fois sur la Grèce et sur l'Amérique. Elles sont les objets de l'affection de tous les Européens ; cela ne leur faisait pas trouver grâces aux yeux des invocateurs d'interventions. Avec eux, partout où il y a révolution, sans distinction et sans appel, il faut qu'elle périsse. C'eût été à l'Amérique à s'arranger ensuite de la domination de l'Espagne, et à la croix de s'accorder avec le croissant ; mais, dans cette occasion comme en toutes, le grand maître, le temps, a fait son œuvre. L'effervescence interventrice s'est calmée ; on s'est familiarisé avec le nom de la Grèce ; on s'est accoutumé à lui trouver quelque vertu, à reconnaître quelque efficacité à ses armes, à ne plus voir dans le grand-seigneur un grand potentat ; et il a bien fallu convenir que l'épée grecque avait émoussé le cimenterre turc. Aussi a-t-on pu remarquer que les plus intraitables, les plus inexorables sur l'Amérique, se laissaient fléchir sur la Grèce, soit horreur de la barbarie des Turcs, soit pudeur de paraître ingrats envers d'anciens instituteurs, soit parce que la Grèce présente un spectre moins effrayant que celui que l'Amérique montre sur le rivage de l'Atlantique : c'est là qu'apparaît la vraie tête de Méduse.

L'intervention dans l'affaire de la Grèce peut être considérée sous trois rapports :

1^o Une intervention destructrice, celle qui, faite à main armée, aurait pour objet d'éteindre cette révolution, soit avec des garanties contre les sévices turcs, soit sans cette garantie.

2^o Une intervention de direction, celle par laquelle, soit avec l'appui d'une force, soit sans cet appui, on voudrait diriger la Grèce.

3^o Celle par laquelle on voudrait en disposer dans son état d'indépendance de la Turquie et de séparation avec elle.

La première partie de cet écrit a fixé d'une manière certaine la nature de la révolution de la Grèce. Un peuple conquis se remet en possession de l'état dont la conquête l'a dépouillé : le conquérant l'a plongé dans la dégradation, ce peuple cherche à s'en relever ; il est accablé de mauvais traitemens, il veut s'en affranchir ; il est supérieur en forces et en lumières à ses maîtres tyranniques, la fin de ses maux est inséparable de la fin de la domination qui l'opprime ; il ne fait aucun dommage à personne, il ne proclame aucun principe anti-social, il promet d'immenses accroissemens à la civilisation générale : à quel titre s'ingérer dans sa cause, troubler une entreprise aussi naturelle, aussi utile à tous ? La Grèce ne ressemble pas à une province faisant partie d'un état dont elle suit les mœurs, à l'origine et aux avantages duquel elle participe. La Grèce est un pays soumis et maintenu par la force, qui n'est pas un membre d'une société, mais un esclave. Il rompt sa chaîne, au lieu que dans l'autre cas on rompt un contrat. Or, qui a jamais entendu parler de contrat entre la Grèce et la Turquie ? Qui donc assujettit l'une à l'autre. La force. Pourquoi, quand on reconnaît les effets de la force dans un sens, ne pas les reconnaître dans les autres ?

La querelle de la Grèce avec la Turquie est une querelle privée, intérieure, qui ne concerne que les intéressés directs. Si ce caractère privatif, si fortement marqué dans cette affaire, ne garantit pas de l'intervention, quelle est la contestation dans laquelle on ne pourra pas se croire le droit d'intervenir ? Dès lors la porte reste ouverte à la violence ; et comme la nature de celle-ci est d'être mobile et de changer de mains, il pourra arriver, il arrivera même que celui qui l'exercera aujourd'hui, la subira demain. Les principes restent, les positions changent, et avec les changemens de position arrivent les applications de ces mêmes principes. Comment les sociétés humaines tiendraient-elles contre l'introduction de droits pareils ? Ainsi, en cas de discorde entre la Russie et la Pologne, l'Autriche se présenterait au moyen du droit d'intervention, et des prétextes qu'on y joint toujours. La Russie ferait de même à l'égard de la Suède et de la Norwège, et la France pour l'Irlande et l'Angleterre. Dans cette question, il faut toujours revenir aux principes énoncés par l'Angleterre, lors du congrès de Troppau. Ils sont les seuls

acceptables pour des hommes qui connaissent la nature et les droits des sociétés, et ce que celles-ci doivent être pour l'humanité. L'observation du monde actuel montre que ces principes ont fait des progrès, même parmi ceux qui dans les congrès en proclamaient d'autres. On ne les reproduira plus au grand jour, leur temps est passé.

L'intervention armée et hostile n'est donc pas de droit dans l'affaire de la Grèce : elle n'a pas eu lieu, elle ne l'aura pas davantage à l'avenir.

L'intervention de direction renferme une double hostilité contre la Grèce et contre la Turquie : 1° contre la Grèce, car la querelle ne regarde qu'elle ; 2° contre la Turquie. De quel droit diriger ses ennemis ? La direction d'un ennemi est une participation à son action, et par conséquent une véritable hostilité : si cette direction est accompagnée de secours positifs, elle est une hostilité réelle ; si elle ne l'est pas, à quel principe de droit se rapporte-t-elle ? car on n'a pas celui de diriger une action à laquelle on ne participe pas : ce qui ne serait pas admis dans le droit privé, ne peut trouver place dans le droit public.

Ces directions du faible par le fort, moitié bienveillantes, moitié impérieuses et intéressées, sont surtout sujettes à cet inconvénient, celui de se changer promptement en domination. Les directeurs ne tardent pas à vouloir rester les maîtres, à vouloir faire prévaloir leur pensées, à les substituer à celles de leurs cliens. Si l'accord ne se soutient pas entre eux, la chose est perdue ; s'il dure, elle est dénaturée : toute intervention directrice dans l'affaire de la Grèce ne pouvait pas avoir d'autre résultat. Dans tous les cas, des étrangers apportent leur esprit, et n'ont pas celui du pays. Son élan, le ressentiment de ses maux, le désir violent d'en être délivré, ne sont pas éprouvés par eux. Ils ne peuvent pas voir et sentir, comme le font les intéressés directs : un peuple qui veut être libre, doit l'être par lui-même. Quand, pour l'être, on a besoin de la main des autres, on n'est jamais bien libre, ni bien digne de l'être. La Grèce a été menacée de ce danger : une assistance russe, autrichienne, ou bien anglaise, la faisait russe, autrichienne, ou anglaise ; et elle doit rester *grecque*, comme la Russie et l'Autriche doivent rester russe et autrichienne. A chacun son esprit, et la liberté de le suivre. A quel titre donner le sien à un autre ? Ce sont là de ces vieilles pratiques de la diplomatie, qui a tant défiguré *le droit*, au moyen et au profit de la force. On a plaint la Grèce du délaissement dans lequel on l'a laissée ; il fallait l'en féliciter. Les secours d'Elisabeth manquèrent de perdre la révolution des Pays-Bas. Philippe II voulait aussi diriger les ligueurs, et son odieux secours ne leur profita pas plus qu'à la France elle-même.

Quand on n'a pas été du combat, on n'a pas le droit de se faire de

la victoire, ni de prétendre au partage de ses fruits : tout doit se passer entre ceux qui ont combattu, et c'est au vainqueur seul à faire la part au vaincu. Si les Turcs prévalent sur les Grecs, aura-t-on le droit de leur dire, vous ferez tel usage de la victoire ? Si les Grecs triomphent, a-t-on plus de droits à leur égard, et d'où pourraient-ils venir ?

Dans la solution de cette question, plusieurs choses sont à considérer, mais aucune ne légitime un droit quelconque d'intervention, ni dans l'ordre moral, ni dans l'ordre politique. On voit les politiques s'inquiéter surtout de deux choses : 1^o des suites de l'expulsion des Turcs ; 2^o de la possession de Constantinople. Dans les deux cas, il n'y a pas le moindre ombrage à concevoir.

La substitution d'un peuple de l'Europe à un peuple de l'Asie, d'un peuple vivant à un peuple inerte et comme mort, d'un peuple chrétien à un peuple mahométan, d'un peuple régénéré par la civilisation à un peuple inaccessible à la civilisation, renferme-t-elle quelque inconvénient pour l'Europe, soit sous les rapports moraux, soit sous les rapports politiques ? Qui en aurait la pensée absurde et anti-humaine autant qu'anti-européenne ? Ici tout fait pour l'Europe : la révolution de la Grèce est faite pour elle et contre l'Asie. Qu'on la conçoive donc bien telle qu'elle est : elle restitue à l'Europe un de ses membres séparés par l'Asie, et rend son intégrité à la famille européenne. C'est de l'Asie que devraient partir contre cette révolution les cris qu'en Europe on entend contre elle ; et les Européens qui s'élèvent contre la Grèce, sans s'en apercevoir, sont des Asiatiques, et conspirent avec eux contre l'Europe.

On s'est emparé de la conversation de l'impératrice Catherine avec l'empereur Joseph au sujet de Constantinople, et l'on entend des politiques surchargés de ce souci : *Que ferons-nous de Constantinople ?* 1^o Cela ne doit inquiéter personne : fiez-vous aux Turcs du soin de lever cette difficulté ; ces barbares le saccageront, le brûleront de leurs propres mains, et fuiront ensuite en Asie avec le butin qu'ils pourront emporter ! Ces peuples ressentent la soif continuelle du pillage, ils sont nés pour détruire et pour piller... Constantinople sera le grand holocauste de cette guerre, et finira comme Troie, sans pouvoir se relever comme Moskow. 2^o Constantinople de Constantin était au centre de l'empire : Constantinople des Turcs jouissait à peu près des mêmes avantages ; mais Constantinople de la Grèce aura perdu son importance ; il ne peut pas même rester la capitale de la Grèce, car l'ennemi est sur la rive opposée. Le rapprochement de la Russie sur la mer Noire eût peut-être, avant peu de temps, forcé le changement de l'emplacement de la capitale des Ottomans. Avec la Grèce nouvelle, Constantinople rentre dans la classe des cités ordinaires, et perd sa majesté et son importance ; le gouvernement grec aura à choisir, pour son séjour,

un emplacement de sûreté, et moins exposé aux dangers de toute position frontière.

Pour légitimer l'intervention, on dit que la prolongation de la guerre d'Orient apporte des entraves au commerce : cette plainte concerne surtout le commerce de la Russie et de l'Autriche : l'Angleterre et les Etats-Unis font dans la Méditerranée plus de commerce que ces deux puissances, et elles ne se prétendent pas autorisées par là à intervenir ; ce langage serait aussi mal accueilli à Londres qu'à Washington. Si la gêne momentanée du commerce donnait ouverture à l'intervention, on interviendrait dans toute guerre, car il n'en est pas qui ne donne quelque gêne au commerce, et qui ne retombe à la charge des peuples commerçans, en les assujettissant à des mesures de précaution, dont l'état de paix les dispense. Cependant on n'a pas encore vu que ces charges temporaires soient devenues des motifs suffisans pour ordonner la fin de la guerre ou pour s'en mêler. Les sociétés humaines sont des êtres compliqués ; elles ont de grands avantages ; à côté de ceux-ci se trouvent des charges ; il faut subir et supporter les unes en vue de la jouissance des autres : ici-bas, rien n'est pur ni dégagé d'alliage ; la guerre fait partie de l'état des sociétés ; les effets de la guerre sont connus d'elle ; chacun, en droit soi, est autorisé à s'en préserver par les moyens reconnus entre les nations ; ainsi, en temps de guerre, chaque Etat protège son commerce par ses moyens propres ; le dommage direct donne droit aux représentations, au indemnités ; et dans le cas du refus, aux voies de fait : le dommage indirect, celui qui, provenant de l'état des sociétés, peut être appelé le dommage social, ne confère aucun droit. Il faut faire l'application de ces principes au cas actuel. La guerre d'Orient contrarie le commerce de la Russie et de l'Autriche ; chacune de ces puissances a tous les moyens de mettre le sien à l'abri des dommages de la part des Turcs et de celle des Grecs, et de venger les dommages dont on refuserait la réparation ; mais une simple incommodité pour le commerce ne donne à aucune des deux le droit d'intervenir entre les deux combattans ; elles peuvent bien exiger des réparations de tous les deux, si elles ont à s'en plaindre ; mais pour cela, elles n'auraient pas le droit de les attaquer au titre général de belligérans, parce que le *droit* de guerre est le droit commun de tous les Etats.

Du reste, il paraît que toute discussion ultérieure sur le droit d'intervention est rendue oiseuse par les dispositions qui règnent dans les Cabinets ; ils semblent décidés à attendre l'issue d'une cinquième campagne, et à laisser les Grecs et les Turcs vider leurs querelles entre eux seuls. Rien de plus heureux ne pouvait avoir lieu.

De son côté, le sultan ne montre point la moindre propension pour les interventions ; le divan vit de méfiances contre les puissances

chrétiennes, qu'il regarde toutes comme également ennemies. Le prince qui depuis quatre ans brave, en Valachie et en Moldavie, la puissance russe, ne cédera pas sur le fait de l'intervention ; et pour cette fois, du moins, l'orgueil ottoman appliqué au maintien de l'indépendance des nations, ne pourra pas être accusé d'iusolence, et méritera des éloges. Dans cette occasion, les Turcs se montreraient plus civilisés que les intervenateurs.

CHAP. XXXII.—Plans proposés pour la Grèce.

L'affaire de la Grèce rappelle le cheval de Troie : elle porte une armée dans son sein. Cette affaire a été très contrariante pour l'Europe ; car elle est venue se placer au milieu des soins qu'elle se donnait pour maintenir la paix au milieu d'elle. Or, cette affaire renfermait des germes de divisions très propres à ramener la guerre. En effet, d'après le nouvel état de l'Europe, l'intervention d'une puissance amenait aussi l'intervention de l'autre. La constitution politique de l'Europe a rapproché les grandes puissances de manière à leur imprimer un mouvement parallèle : dès que l'une s'ébranle, les autres doivent marcher. L'Angleterre, par sa position et par sa puissance, plane, pour ainsi dire, au-dessus d'elles, et vient se placer toujours en présence de celle qui montre le plus de dangers. Dans le cas actuel, c'était la Russie. Son intervention dans l'affaire de la Grèce appelait sur-le-champ celle de l'Angleterre ; les autres puissances pouvaient se trouver obligées de prendre part à ce débat, et cette perspective a dû les chagriner beaucoup. Le succès d'une guerre entre la Russie, la Turquie et la Grèce, n'était pas douteux : la Turquie s'était compromise envers la Russie par sa conduite dans l'affaire des principautés ; si l'empereur Alexandre n'eût usé de modération, et retenu l'élan de ses soldats, la guerre éclatait en Orient, et pouvait embraser l'Europe. De plus, cette affaire forçait les Cabinets à partager leur attention, et à détourner vers l'Orient les regards qu'ils tenaient attachés sur l'Occident, devenu l'objet de leur surveillance. *Les menées démagogiques, l'esprit révolutionnaire, les peuples* les occupaient tout entiers. Peut-être aussi que les Cabinets, qui se hâtent lentement, imbus des anciennes idées sur le génie de la Grèce moderne, et la jugeant par son état antérieur, au lieu de le faire par son état présent, de plus, se rappelant le mauvais succès des entreprises déjà tentées dans le même but, s'étaient flattés qu'une prompt victoire de la part des Turcs les débarrasserait de cette fâcheuse survenance, et les rendrait à leur quiétisme et à leur contemplation de l'Occident. Les Cabinets ont appliqué à la Grèce le jugement et les procédés dont ils avaient usé à l'égard de l'Amérique : le succès a été égal des deux côtés. Pen-

dant qu'ils tâtonnaient, qu'ils échangeaient des notes, qu'ils montraient égale aversion et malveillance à la Grèce et à l'Amérique, ces deux pays marchaient, faisaient leurs affaires à part, et triomphaient de leurs ennemis directs. L'Amérique était garantie par sa position et par l'Angleterre; aujourd'hui elle le serait par elle-même, et se défendrait contre l'Europe. Mais la Grèce est moins heureuse, elle ne peut pas s'affranchir de l'Europe comme elle l'a fait de la Turquie : elle reste à la merci de voisins puissans; et, chose singulière et à la fois bien pénible à tous les cœurs droits et généreux, après avoir brisé le joug de ceux qui avaient des droits sur elle, elle pourrait être sujette à recevoir des lois de ceux qui n'en ont pas. Sa révolution ne les blesse pas, et ils peuvent prétendre la borner, la modifier; elle leur apporte d'immenses avantages, et ils peuvent vouloir l'ordre qui les en prive.

Nous avons démontré surabondamment l'absence absolue de tout droit d'intervention dans cette affaire; les combattans seuls doivent en décider. Toute intervention, sans appel de leur part, est une violation manifeste du *droit*, et l'application *nue* de la force, et par conséquent un acte de violence, uniquement fondé sur la force, et anti-social, quelque sophisme que l'on emploie, suivant l'usage, pour colorer cette agression : celle-ci serait double, faite à la fois contre les Grecs et contre les Turcs.

Quels sont les plans proposés et répandus jusqu'ici dans le public? Ils se bornent à reconnaître la fin de l'ancienne domination turque sur la Grèce, à partager celle-ci en Grèce orientale, méridionale et occidentale, à lui donner un régime équivalent à celui de la Valachie et de la Moldavie, et à placer cet établissement sous la garantie de quelques puissances. Voyons ce que renferme ce plan : 1° pour la Grèce : 2° pour l'Europe ; 3° pour sa solidité propre.

1° La Grèce est unie dans la même cause; elle l'est dans ses sacrifices, dans ses combats, dans ses triomphes, dans son gouvernement actuel, et dans son vœu unanime pour une existence nationale; c'est une régénération complète qu'il lui faut, et à laquelle elle a eu le noble courage d'élever ses pensées et d'immoler une partie de ses enfans; et l'on viendrait lui dire : Vous n'irez que jusque là ! Qu'auraient à lui répondre ceux aux-quels elle dirait à son tour : Et qui êtes-vous pour me dicter des lois ? Avez-vous partagé les maux dont le sentiment m'a fait courir aux armes ? Avez-vous assisté à mes combats, subi mes sacrifices ? À quel titre suis-je donc l'objet de vos spéculations ? Tout ce que je possède, par la loi de la guerre, peut échoir à mon adversaire ; par la même loi, tout ce qui lui appartient peut aussi devenir mon partage. Qui vous a donné le droit de vous placer entre lui et moi ? Suis-je subordonnée aux calculs de votre politique ? Celle-ci ne se mesure-t-

elle que sur les degrés de la force, et peut-on tout vouloir contre ceux contre lesquels on peut tout ce que l'on peut vouloir ?

Un partage de la Grèce fait systématiquement dans les cabinets, appliqué à un peuple indépendant de ces cabinets, rouvrirait toutes les blessures qu'a faites au droit public le fatal partage de la Pologne, dont Burke a dit que l'Europe se ressentirait long-temps.

Le partage de la Grèce *tuerait* la Grèce encore plus que ne l'a fait la conquête par les Turcs ; au moins par celle-ci restait-elle unie, quoique asservie ; c'était une esclave, mais la même chaîne unissait des captifs qui pouvaient se voir et s'entendre, au lieu que dans ce partage, l'unité cesse, et toute la force qui en provient se perd, avec elle. Rien de plus fatal pour la Grèce ne pouvait être imaginé ; c'est un génie ennemi de la Grèce qui a inspiré ce plan propre à la détruire, et à l'ensevelir à jamais.

Les Grecs ne se soumettraient pas à ce plan, s'il était présenté par la force ; s'il l'est par la persuasion, sous les couleurs d'un intérêt bienveillant, les lumières de la Grèce lui en révéleront et lui en feront sentir les inconvéniens et les dangers ; s'il est combiné au nom de la politique, comme c'est celle des intéressés à la fabrication de ce plan, la Grèce ne lui doit aucune attention ; et si on allait jusqu'à réclamer les intérêts de la paix générale, l'hypocrisie du prétexte ne tromperait personne. La guerre des Grecs et des Turcs bornée à eux seuls, n'a pareillement aucune influence sur la paix européenne ; elle n'en prend que par l'intervention ; cette querelle se passe au loin ; son siège est presque excentrique à l'Europe ; aucun intérêt direct de l'Europe ne s'y trouve compromis : les puissances voisines, l'Autriche et la Russie, sont trop fortes pour la ressentir en aucune manière ; le reste de l'Europe est absolument étranger à ce débat ; il n'y a donc ni droit ni intérêt politique à intervenir dans cette affaire, et encore moins à partager la Grèce.

2° La Grèce, partagée en deux ou en trois parties, sera utile à l'Europe à peu près comme le sont la Moldavie et la Valachie ; elle aurait la même importance politique : or, cette insignifiance, cette nullité est contraire aux vrais intérêts de l'Europe, surtout du côté de l'Orient ; là se trouvent les plus grandes masses de puissance ; par conséquent, pour obtenir quelque effet, il faut former des masses qui aient quelque rapport avec celles qui existent dans cette région de l'Europe. Le partage de la Grèce fait précisément le contraire ; il place l'impuissance où il faudrait de la force, et du morcellement là où il faudrait des réunions bien compactes : ce plan, si toutefois il mérite ce nom, est mesquin, sans rapport avec les besoins de l'Europe ; il rentre dans les idées de la vieille diplomatie, jalouse, cupide, et ambitieuse de s'entourer de faibles qu'elle peut dominer. Cela est bien peu fait pour le temps dans lequel nous vivons ; il n'a pas fallu le cerveau de Jupiter pour enfauter cette *Minerve*.

3° Les garanties seraient illusoires en temps de guerre : si les chances tournaient en faveur des Turcs, ils pourraient en exiger la suppression ; un second traité du Pruth est peu probable ; cependant ce fut Pierre le Grand qui signa le premier ; pendant la guerre, les Grecs resteraient exposés à tous les sévices des Turcs, comme le sont les Moldaves et les Valaques ; quand les puissances garantes se combattraient, la garantie serait affaiblie, et plus susceptible d'être violée. Le système de garanties est donc illusoire à l'égard de la Grèce ; de plus il est humiliant, car il renferme l'état du protégé envers le protecteur, celui du vassal au suzerain, et de l'inférieur au supérieur : cet état est indigne de la Grèce ; elle a deux garanties bien supérieures à celle-là, son courage et son épée. Qu'elle périsse plutôt que de passer sous les fourches caudines des garanties et des amnisties. De la part des étrangers, les garanties font une co-souveraineté qui met le souverain nominal sous une surveillance étrangère ; les Turcs ne s'en accommoderaient pas ; déjà ils sentent assez les épines des garanties de la Moldavie, de la Valachie et de la Serbie ; en y ajoutant celle de la Grèce, il se trouvera qu'une grande partie de leur empire, à force d'être garantie par les étrangers, finirait par ne plus dépendre d'eux ; et remarquez que cette partie d'une propriété équivoque, est précisément celle qui touche de plus près à Constantinople.

Le plan de partage et de garantie est donc injuste envers la Grèce, insuffisant pour les besoins de l'Europe, inefficace pour la sûreté de la Grèce, et offensif contre les Turcs.

Voyons si, dans cette grande affaire de la Grèce, il ne se trouve pas quelque germe d'un plan plus noble et à la fois plus conforme aux vrais intérêts de l'Europe.

CHAP. XXXIII.—*Vrai système de l'Europe relativement à la Grèce.*

Quand la Turquie s'avancait vers l'Occident, et pouvait entrer dans le système de l'Europe, la Russie était encore une puissance purement asiatique, moins connue de l'Europe que ne l'était la Turquie elle-même ; alors la Russie était une puissance entièrement méditerranée, aussi étrangère à la mer Baltique qu'à la mer Noire ; c'est le temps qui lui a appris à connaître leur importance et à arriver sur leurs rivages par une longue suite d'empiètemens ; le système adopté par elle ne s'est pas arrêté un moment ; dans ces temps que mille changemens semblent reporter aux limites les plus reculées de l'histoire, les Polonais allaient à Moskow ; aujourd'hui, les Russes sont à Varsovie ; ils règnent sur la Livonie, la Finlande et les rivages de la Baltique conquis par les rois guerriers dont si long-

temps s'enorgueillit la Suède ; à cette époque, les affaires du Continent occidental se balançaient entre l'Autriche et la France ; François I^{er} entrevit à l'extrémité de l'Europe le contre-poids de l'Autriche ; il s'allia avec la Turquie ; Louis XIV cultiva ce système ; ce fut un trait de génie de la part de ces deux princes qui, dans cette occasion, en s'élevant au-dessus des clameurs vulgaires, montrèrent qu'ils connaissaient les limites des deux puissances, et qu'ils n'ignoraient pas que les intérêts de leurs Etats devaient être considérés avant tout. L'Europe s'était ainsi accoutumée à regarder la Turquie comme l'opposition naturelle à toute puissance dominante dans son orient ; après avoir fait l'application de ce système à l'Autriche, elle l'a transporté à la Russie ; Napoleon l'a suivi, comme les anciens conseils de la France et le reste de l'Europe.

Mais de tout cet ancien système, de tous les éléments qui avaient contribué à sa formation, aujourd'hui il ne reste plus rien : il s'est formé comme une nouvelle Europe ; ce qui était grand a péri, ou s'est affaissé ; ce qui était faible a grandi, a acquis de la force ; ce qui était loin s'est rapproché ; tout est changé, et un nouvel ordre est sorti des débris de l'ancien.

C'est sur cet état de choses qu'il faut régler son jugement pour la conduite à tenir dans l'affaire de la Grèce.

L'élévation de la Russie au niveau des grandes puissances avait fait ajouter une branche au système de François I^{er} et de Louis XIV. La tâche de la Turquie était devenue double ; elle devait servir à la fois de barrière contre l'Autriche et la Russie ; et malheureusement sa force diminuait à mesure que le fardeau augmentait. La Russie était arrivée de succès en succès sur la mer Noire et sur le Danube. Depuis long-temps il était facile de juger l'impuissance de la Turquie contre la Russie : la guerre de la Grèce a achevé la démonstration de la faiblesse de cet état. Qui ne peut pas se défendre contre la plus petite insurrection intérieure, à plus forte raison est impropre à réprimer une puissance d'un ordre supérieur ; et tel est l'état dans lequel est tombée la Turquie.

Ce n'est plus une puissance en Europe, c'est un embarras ; ce n'est pas un membre des sociétés policées et civilisées qui remplissent l'Europe, c'est la tête de pont de la Barbarie asiatique jetée sur l'Europe. Il n'y a plus rien à attendre de ce cadavre, il ne faut plus songer qu'à s'en débarrasser. Mais que mettre à la place ? Là réside le problème. Sa solution doit dépendre de quelques données qu'il est fort facile d'indiquer.

1^o Un état faible peut-il remplir le but européen, de créer une barrière contre la Russie ? Nous avons démontré que *non*.

2^o Quels sont les dangers dont la Russie menace l'Europe, du côté du midi ?

3° Quelles doivent être les propriétés de l'état destiné à former la barrière de l'Europe, vers le midi ?

4° Si la Grèce présente ces attributs ?

5° Si la Grèce sera aussi propice à la civilisation qu'à la politique de l'Europe ?

Comme on voit, cette discussion est toute européenne ; elle n'a rien d'hostile pour personne. Il ne s'agit pas de rien enlever à la Russie, mais d'empêcher qu'elle n'ajoute à un pouvoir déjà bien pesant pour les autres. Ici trois choses sont à observer.

1° La constitution politique du continent européen lui donne sur son front oriental des défenses contre Russie. La Suède, la Prusse, l'Autriche, soutenues par le corps germanique, de ce côté, forment une barrière solide : la France forme l'arrière-garde de cette opposition. Mais, au midi de l'Europe, la Turquie, ce corps languissant, ou plutôt mort, laisse une grande lacune. Par là, le midi reste à découvert, et la plus simple observation montre que la nature des choses donne à la Russie plus de tendance vers le midi que vers le nord. Les grands établissemens de la Russie se forment vers son midi, ses grands fleuves aboutissent à la mer Noire ; déjà elle a atteint le Danube ; le soleil et la richesse l'avertissent de se tourner de ce côté, et l'y appellent ; il n'y a pas un moment à perdre pour l'Europe, pour planter là des colonnes d'Hercule : la préservation générale est là. 2° On voit avec pitié la diplomatie se tourmenter pour savoir ce qu'on fera de la Valachie et de la Moldavie. Eh ! qu'importe à l'Europe, à qui elles appartiendront ! Qu'on les partage entre l'Autriche et la Russie, ce sera un bien pour elles, et ce ne sera pas un mal pour qui que ce soit. Que l'Autriche et la Russie possèdent quelques centaines de lieues carrées de plus ou de moins, quel est l'intérêt pour l'Europe ? elle n'en a qu'un, c'est que l'Autriche et la Russie ne cessent pas de confronter ensemble, parce que là est le principe de leur opposition constante. 3° Sous aucun prétexte, l'Europe ne peut tolérer que la Russie possède une toise de terrain au-delà du Danube, et y jette une tête de pont ; elle doit se mettre toute entière sous les armes, le jour où cela serait tenté. Il y a déjà assez d'assujettissement sans ce surcroît. Que les leçons de l'histoire ne soient pas perdues : elle apprend que le Bas-Empire a péri pour avoir toléré le passage du Danube aux Goths, et livré les portes de la mer Caspienne, le passage de Derbent aux Turcs. Ici il faut une politique de virilité et de prévoyance, et non de tâtonnement et de connivence. Les conséquences de toute aberration seraient trop grandes. Point de projets dépréciateurs contre la Russie, mais aussi plus d'empiètement de sa part. Or elle ne peut plus empiéter qu'au midi ; c'est donc ce côté qu'il faut munir : mais comment le faire ? On pourrait plutôt dire : comment ne pas voir ce qui est tout fait ? Ce rempart, c'est la Grèce substituée à la totalité de la

Turquie d'Europe, depuis le Danube jusqu'à la pointe du Péloponèse. Le moyen est déjà obtenu à moitié par la complète libération de la Morée et par l'occupation d'une partie de l'Étolie et de la Thessalie. La guerre ne peut manquer de faire le reste : la force des choses conduira les Grecs jusqu'à Constantinople plus tôt et plus facilement qu'on ne le pense. Ils sentiront qu'il n'y aura rien de fait pour eux, tant que la Turquie occupera quelque partie de leur péninsule ; et ce calcul les conduira à compléter leur système par l'occupation entière de tout l'espace occupé en Europe par les Turcs.

La position de cet état est admirable : le Danube couvre son front, et la mer ses deux flancs. Ainsi il est à la fois inattaquable de la part des autres, et incapable de les attaquer. Si le Danube le couvre, il rend aussi le même service aux autres : cet état est donc inoffensif ; il est l'allié naturel de tous les opposans aux empiètemens russes. La grande étendue de ses côtes en fera une puissance maritime, destination la plus favorable de toutes pour l'Europe, puisqu'il s'agit d'arrêter l'essor maritime de la Russie vers la Méditerranée, chose à laquelle l'imbécillité des Turcs, encore plus grande sur mer que sur terre, les rend tout-à-fait impropres.

La révolution de la Grèce, ses progrès, son développement, au lieu d'exciter la mauvaise humeur de quelques puissances, devraient au contraire exciter leur plus vive satisfaction ; car son triomphe complet entre jusqu'au plus profond de leurs intérêts. Elles devraient la considérer comme une bonne fortune que le ciel leur a ménagée dans la détresse où la Turquie les laissait. Avec cette révolution, il a donné un suppléant de la Turquie, qui réunit toutes les qualités que l'imagination peut se plaire à créer. Le bonheur est pur et sans mélange ; car il ne coûte pas un obole à personne. Les puissances ne l'ont pas provoqué, il vient tout seul s'offrir à elles. Dans cette occasion, elles n'ont rien à faire par elles-mêmes, mais seulement à laisser faire ; tout se fera sans elles, il n'y aura qu'à jouir. La diplomatie n'a pas été souvent invitée à des festins aussi substantiels et aussi peu coûteux.

En examinant cette question avec des yeux européens, affranchis de toute fascination de nationalité, de préjugés, voilà ce que l'on trouve au fond de cette affaire de la Grèce ; et en vérité, on ressent de la peine à s'expliquer comment une chose indiquée par tant d'évidences peut être l'objet d'une double appréciation, d'hésitations, et comment à un plan vaste, européen, qui met un terme à tous les conflits, en établissant de larges barrières, on préfère un plan mesquin, nul pour l'Europe, et qui renferme le germe de mille tracasseries.

Des esprits chagrins et auxquels toute nouveauté paraît un monstre, ne manqueront pas de dire que la Grèce ne sera pas de

long-temps dans le cas de remplir le rôle qu'on lui assigne ; à cela il est bien facile de répondre : 1° que l'on ne peut user que de ce que l'on a : vaut-il mieux laisser les Turcs et se fier sur eux ? 2° la Grèce commence, mais à pas de géant, mais comme font tous les peuples qui se régénèrent avec l'appui de la nouvelle civilisation : voyez comme ont marché les Etats-Unis et l'Amérique ; la Grèce fera de même, ses preuves sont écrites dans les exploits des quatre dernières années ; qui aurait jamais compté sur tant d'héroïsme ! on disait du début de la révolution grecque, ce que, dans ce moment, l'on dit de sa fin ; c'est le même langage, parce que c'est la même irréflexion qui parle. Elevée à la dignité et à la consistance d'un grand Etat, la Grèce en prendra toute la manière d'être, comme les hommes prennent l'attitude indiquée par le piédestal sur lequel ils sont élevés ; tout ce qui se dit contre la Grèce est donc chimérique ; elle n'a besoin que d'une seule chose, c'est qu'on ne la contrarie pas, qu'on ne prétende pas la diriger, la régenter, borner son action, et faire sa destinée sans elle et malgré elle. En décider seule est son droit, et pour cette fois, le droit se trouve d'accord avec la politique. Cette politique pourvoit de plus à un autre grand intérêt de l'Europe ; le commerce et l'industrie font sa nouvelle existence ; l'Europe est devenue essentiellement commerciale et industrielle ; les progrès des arts ne peuvent manquer d'exercer de l'influence sur l'état de l'Europe, par la création de procédés propres à multiplier les produits, et à diminuer l'emploi des bras. Tout ce qui ouvre des débouchés aux produits de cette industrie, entre donc bien avant dans les intérêts de fortune de l'Europe, et dans ceux même de sa tranquillité intérieure ; or, la Grèce formée en grand Etat présentera bien plus de moyens à cette industrie européenne, qu'elle ne le fait dans son état actuel, ni que peuvent le faire les peuplades misérables, ignorantes, qui couvrent l'Albanie, la Bulgarie. A quoi ces contrées servent-elles à l'Europe ? Que retire-t-elle de la Moldavie et de la Valachie ? A la place de ces corps inertes et stériles, placez un grand Etat policé, imbu des goûts de l'Europe, et vous verrez quelle impulsion nouvelle les portera vers elle, et leur fera rechercher avec elle des relations dont leur ancien état leur avait interdit l'idée. Sous ce dernier rapport, la nouvelle formation de la Grèce serait une précieuse acquisition pour l'Europe, comme l'a été celle de l'Amérique par sa révolution.

Cette révolution de la Grèce est une occasion unique au monde, que le génie peut féconder, que la médiocrité peut laisser perdre avec l'alternative des fruits les plus précieux ou les plus amers : l'intérêt de l'Europe nous a porté à la rechercher, et nous fait la loi de le lui dire ; qu'elle regarde bien à ce qu'elle va faire, car elle a à choisir entre de grandes jouissances ou de longs regrets.

Quant à la forme future du gouvernement de la Grèce, à qui

peut-il appartenir d'en décider, sinon à elle ? Quel droit peut être plus sacré pour une société, que celui de se constituer ? Tant que ses principes ne blessent pas l'ordre social dans son essence, qui peut avoir le droit de lui adresser des prescriptions ? Qui peut dire à son voisin : vous êtes monarchie et je suis république, ou bien je suis république et vous êtes monarchie ; ou bien encore, vous êtes monarchie ou république, à tel ou bien à tel degré, et je suis à tel autre ? changez vos institutions, elles ne sont pas en harmonie avec les miennes, elles peuvent faire envie à mes sujets. Ici la politique ne tient-elle pas le langage que le loup de la fable adresse à l'agneau, qu'il accuse de troubler son breuvage ? ici ne ressent-on pas toute l'horreur qu'inspire la force empruntant le secours des sophismes et de la subtilité ? ne la voit-on pas faire entrer le désespoir dans tous les cœurs, et placer la destruction dans les fondemens de cette société dont, vengeur hypocrite, elle dit qu'elle soutient les intérêts ? Ce droit arrogant de prescrire les institutions était encore inconnu du monde, c'est un produit de ces derniers temps. Jusqu'ici la raison avait dit que le droit se bornait à se préserver dans son intérieur par tous les moyens admis par le droit dans l'ordre moral, mais qu'il n'y en avait aucun à prescrire à qui que ce soit son mode d'existence.

Au reste, ni la Turquie, ni la Grèce, n'ont requis les étrangers pour le commencement ni pour la poursuite de leurs débats ; ayant combattu seuls, seules aussi elles sont le droit de constituer à leur guise ce qu'elles garderont ou ce qu'elles acquerront ; ni la Turquie, ni la Grèce, n'appelleront les étrangers, pas même comme médiateurs ; leurs médiations sont des pratiques de la vieille politique, et des moyens de s'introduire dans les affaires pour les maîtriser ensuite.

La Turquie, par hauteur naturelle, et par jalousie des chrétiens, s'y refusera. De son côté, la Grèce le fera par prudence, et comme instruite par l'histoire. Si la force tente de suppléer au consentement, l'Angleterre ne se manquera pas à elle-même au point de le tolérer. Toute l'humanité de l'Europe n'abjurera pas ses sentimens ; elle sentira rouvrir les blessures que lui ont déjà faites d'autres agressions ; et si jadis trois cents Spartiates moururent aux Thermopyles pour les saintes lois de leur patrie, leurs descendans doivent mourir aussi pour laisser au monde un monument éternel des sacrifices que l'on doit à des lois encore plus saintes, celles de l'humanité. La fédération continentale n'a pas d'autre droit à exercer envers la Grèce que celui dont l'Angleterre a donné le modèle à l'égard de l'Amérique ; elle a dit : *Je n'interviens pas entre l'Espagne et l'Amérique : que chacune des deux use de ses moyens propres pour prévaloir ; c'est un procès entre un propriétaire ancien et nouveau, je n'ai pas le droit de m'en mêler. Si des étrangers s'en mêlent, je consulterai mes*

intérêts : je reconnais ce qui, après un mûr examen, me paraît solide et conforme à l'ordre social. Voilà la règle avouée par la raison et par l'équité. L'Europe a applaudi à ce langage si simple, si clair, si incontestable.

Que la fédération continentale fasse de même pour la Grèce ; qu'elle déclare de son côté qu'elle abandonne à elles-mêmes la Turquie et la Grèce ; mais qu'elle s'opposera à toute intervention étrangère. Qu'elle procède, comme ont fait les États-Unis et l'Angleterre, pour s'assurer de l'état politique et social de la Grèce, afin de ne pas hasarder une décision : tout le monde applaudira à une marche aussi régulière ; mais personne ne reconnaîtra le droit d'intervenir à titre général de révolution, ni de différence d'institutions. Quel *droit* oblige les uns de conformer les leurs à celles des autres ? La conséquence naturelle d'un pareil système serait la nécessité d'un gouvernement uniforme d'un bout du monde à l'autre. Ce serait lui appliquer le système des niveleurs, tandis que le *droit* est que chaque société reste maîtresse du choix de ses institutions, sans les subordonner à aucun contrôle étranger. Les États-Unis et l'Angleterre n'en ont prétendu aucun sur l'Amérique : ils ne se sont pas informés si l'Amérique était monarchique ou républicaine ; ils se sont tenus à ces deux points : L'indépendance est-elle hors de toute attaque ? Les institutions sont-elles sociales ? Ces deux points constatés, il a été passé outre à la reconnaissance. Voilà le modèle : que l'application en soit faite à la Grèce, le *droit* sera rempli. Que l'on n'allègue pas les prétextes usés de la force contre la faiblesse ; aujourd'hui la signification de tout cela est connue et appréciée ; il vaut mieux dire, je suis le plus fort. Quand on le tait, le public le dit ; de nos jours, il ne peut plus être trompé. Cette franchise aura du moins le mérite de sauver des sentimens attachés dans toute la terre à l'hypocrisie ; et l'hypocrisie de la force contre la faiblesse est, de toutes, celle qui révolte le plus les hommes.

L'Europe sentimentale se soulève encore au souvenir de tout ce qui a été dit de tendre, d'affectueux, de bon pour leur pays, à ces Polonais que l'on poussait vers le déchirement de leur patrie avec ces doucereuses formules.

CHAP. XXXIV.—*Résumé.*

La révolution de l'Amérique est parvenue à son terme ; celle de la Grèce y marche aussi. L'Amérique n'a plus d'ennemis armés contre elle, ni au-dedans, ni au-dehors ; la Grèce peut avoir plus à craindre de ses voisins que de ses ennemis mêmes. Ces deux révolutions entretiennent des dissensions sourdes entre les divers

gouvernemens ; elles sont dangereuses pour le repos de l'Europe ; la paix dans celle-ci ne sera affermie que par la solution complète de ces deux révolutions.

Elles sont en rapport avec l'état général du monde ; elles ne sont pas le produit de l'esprit révolutionnaire ; leur étendue, leur facilité, leur rapidité, prouvent qu'elles étaient dans la nature même des choses.

Ces deux révolutions tiennent au droit primitif, qui est le droit général de l'humanité, et celui des associations humaines. Les oppositions à ces révolutions ne sont que du droit secondaire. L'Amérique n'a pas été créée ni faite pour l'Espagne ; elle lui appartient par droit de conquête : ce genre de propriété est valable contre les peuples coloniaux au même titre ; mais il est de nulle valeur contre l'Amérique.

Les colonies sont régies par le même ordre que les familles privées ; elles ont, comme elles, leur minorité, leur majorité, et elles veulent user des droits que celle-ci confère.

L'Amérique colonie jouissait d'un grand nombre de supériorités sur l'Espagne métropole.

L'Espagne a appliqué à l'Amérique le système que *Philippe second* lui avait imposé à elle-même ; ce système a fait le malheur de l'Amérique, comme il avait fait celui de l'Espagne. Ce qu'il y a eu de bien fait en Amérique, provient d'elle-même, et non pas de l'Espagne.

La révolution de l'Amérique a été aussi mal jugée par l'Europe, que mal combattue par l'Espagne. On a prodigué les outrages à l'Amérique et les déceptions à l'Europe, sur cette révolution. On a irrité l'Amérique, et on l'a affermie dans sa résolution.

L'Espagne a perdu l'Amérique, et la Turquie a perdu la Grèce, pour être restées toutes les deux stationnaires et hors de la civilisation, au milieu du mouvement du monde et des progrès de la civilisation.

La religion fait la différence entre l'Espagne et la Turquie.

La perte de l'Amérique peut être compensée par l'Espagne ; celle de la Grèce ne peut pas l'être par la Turquie.

L'Europe gagne à ces deux révolutions en richesses, en civilisation, en facilité de placement pour le surcroît de ses talens et de sa population inoccupés. Par le retard de la reconnaissance de l'Amérique, l'Europe perd tout ce qu'elle aurait à gagner par les accroissemens que cette reconnaissance procurerait à l'Amérique : l'Europe n'a plus qu'un intérêt avec l'Amérique, celui de la faire prospérer ; cette prospérité deviendra celle de l'Europe même.

Le vœu unanime de l'Europe est pour la reconnaissance de l'Amérique.

L'Europe souffre d'être privée des avantages qu'elle voit l'Angleterre retirer de cette reconnaissance.

L'Espagne ne peut plus faire la guerre à l'Amérique, celle-ci est plus forte que l'Espagne : elle pourrait se défendre contre l'Europe. Une guerre contre l'Amérique est pleine de dangers, et ruineuse pour les parties belligérantes : la guerre dévasterait l'Amérique, et détruirait les avantages de son commerce pour l'Europe. Le fardeau de cette guerre tomberait principalement sur la France. L'Europe ne peut pas occuper militairement l'Amérique.

La restauration en Amérique serait plus difficile, et encore plus désastreuse qu'elle l'a été en Espagne.

La guerre n'aura pas lieu contre l'Amérique : on espérera dans les troubles intérieurs et dans les ambitions privées. Cet espoir sera déchu.

L'Europe n'a rien à craindre des progrès à venir de l'Amérique ; elle la dépasse en population, en civilisation ; elle fera des progrès correspondans à ceux de l'Amérique.

L'île de Cuba ne sera ni espagnole, ni anglaise, ni américaine, mais indépendante. Elle suffit pour la formation d'un état indépendant. Porto-Ricco l'imitera et s'unira à elle. Là finira le système colonial des Antilles. L'indépendance du continent américain a changé toutes les bases de ce système.

L'Europe n'a plus besoin de la souveraineté des colonies qui ont le goût de ses productions, et qu'elle dépasse en industrie. L'Angleterre peut abandonner l'*Inde*, qui lui est inférieure en industrie, et qui a pris le goût des produits de l'industrie anglaise. Avec le temps, elle pourra faire de même pour ses colonies du Canada, de la Nouvelle-Hollande et de la pointe d'Afrique.

La révolution de l'Amérique prépare une grande révolution dans l'ordre maritime de l'Europe ; elle affranchira l'Europe de la supériorité maritime de l'Angleterre. Sans cet auxiliaire, les marines de l'Europe sont des aberrations ruineuses pour elle ; cette théorie s'applique plus particulièrement à la France.¹

¹ Cette opinion est mise hors de toute contestation, par les faits de la guerre de la révolution.

Depuis 1793 jusqu'en 1814, l'Angleterre a pris ou détruit à toutes les puissances belligérantes, vaisseaux de ligne. 146

Bâtimens de moindre force, au moins. 200

De manière à ce que tous les chantiers de l'Europe n'ont fait que travailler à la décharge de ceux de l'Angleterre.

Depuis 1814, la marine française a coûté près de six cents millions.

Dix frégates ou cutters auraient fait tout ce qu'elle a fait avec ces énormes frais. Que ne ferait-on pas avec six cents millions, soit en dégrèvement d'impôts, soit en accroissemens de moyens de productions.

L'état du monde commercial étant changé, l'état militaire maritime de l'Europe doit suivre ce changement.

Ce sujet tient aux plus grands intérêts de la France, et son importance m'avertit de la nécessité d'y revenir, et de le traiter quelque jour d'une manière plus explicite.

Le traité d'Utrecht n'oblige pas la France, la Hollande et l'Angleterre, à garantir à l'Espagne la possession de ses colonies.

L'Europe n'a pas le droit d'intervenir dans l'affaire de l'Amérique, ni à titre de dommage positif, ni à titre général de révolution, ni à titre de contagion morale.

Les degrés de l'intérêt des puissances dans l'affaire de l'Amérique dépendent de leur état maritime et commercial.

La différence entre la sociabilité de l'Amérique et celle de l'Europe est la cause réelle de l'éloignement qui, en Europe, est montré contre la révolution de l'Amérique.

Les faits passés dans les monarchies européennes, depuis 1763, ont influé sur la détermination de l'Amérique vers l'ordre républicain.

L'Europe ne connaît pas assez l'importance de la révolution de l'Amérique ; elle n'y a pas porté assez d'attention.

L'on ne peut plus soumettre l'Amérique ; on ne peut pas l'éviter, on ne peut pas s'en passer : elle promet des biens infinis à tout le monde : il ne reste donc plus qu'à la reconnaître.

La reconnaissance de l'Amérique doit être pleine et entière ; elle n'en acceptera plus d'autre. Cette reconnaissance est le préliminaire indispensable de toute négociation avec elle, comme avec Saint-Domingue ; le vrai système de l'Europe est dans cette reconnaissance prompte et définitive.

Le vœu unanime de l'Europe est pour cette reconnaissance.

La légitimité de l'Espagne n'est plus un obstacle contre cette reconnaissance : celle-ci n'est plus que la reconnaissance d'un fait irréformable ; et les retards sont très préjudiciables à l'Europe, surtout à la France.

Les refus ou les retards de la reconnaissance de l'Amérique ne peuvent pas durer. L'Amérique peut user de représailles contre les retardataires, ne pas les reconnaître, et leur interdire le commerce avec elle. La France a plus à perdre par ces retards que la fédération continentale.

Les accroissemens à venir de la population et de la puissance des états de l'Amérique, ainsi que les formes de gouvernemens qu'ils pourront adopter dans le cours des âges, ne doivent pas entrer en considération dans la reconnaissance actuelle de l'Amérique.

Saint-Domingue ne peut plus être colonie ; il n'y a plus d'intérêt qu'à favoriser le développement de sa population : toute attaque contre Saint-Domingue est une aberration ruineuse et inhumaine.

La révolution de l'Amérique constituée en république produit un ordre nouveau dans ses relations avec la cour de Rome ; cette cour aura besoin du plus grand discernement dans sa conduite à l'égard de l'Amérique, pour conserver le lien qui doit les tenir unies, et pour faire qu'il ne se brise point par les inconvéniens

attachés à la grande distance de l'Amérique et à l'étendue de ses besoins spirituels.

La Grèce est supérieure en forces à la Turquie ; celle-ci ne peut plus remettre la Grèce sous le joug. La Grèce triomphera dans la cinquième campagne, comme elle l'a fait dans les quatre précédentes. Aucune espèce d'intervention n'est légitime dans l'affaire de la Grèce : la direction, ni la disposition de la Grèce, ne le sont pas davantage. Toute intervention eût été fatale à la Grèce ; elle ne doit en admettre d'aucune espèce, mais faire ses affaires elle-même. Tout système partiel appliqué à la Grèce manque le but de la civilisation et le but européen d'élever une barrière contre l'agrandissement de la Russie. La Turquie ne peut plus servir de barrière contre elle ; la Grèce doit la remplacer dans ce rôle ; sous ce rapport, sa révolution est une bonne fortune donnée par le ciel à l'Europe.

Le système de François I^{er} et de Louis XIV, pour faire de la Turquie une barrière contre les puissances prépondérantes dans l'Orient, est usé. La Turquie ne peut pas servir de barrière contre la Russie, l'Europe ne peut pas se passer d'une barrière contre elle dans le midi ; la Grèce vient la lui offrir : pour cela, il faut qu'elle occupe toute la Turquie d'Europe. Cette position est presque insulaire. Dans cette conformation, la Grèce ne peut être ni conquérante, ni conquise : son emploi sera de surveiller la Russie au midi, et la Turquie à l'orient : sa position en fera une puissance maritime.

La nouvelle formation de la Grèce est toute d'avantages pour l'Europe ; elle n'enlève rien à aucun de ses membres ; elle ne lui demande ni hommes, ni argent, mais seulement de ne pas la troubler par une intervention sans droit et sans relation avec ses intérêts. Tout empêchement apporté à cet établissement de la Grèce est à la fois contraire aux besoins de l'Europe et à ceux de la civilisation : ce serait la perte d'une occasion qui ne se représentera jamais. C'est un faux jugement que de juger de la Grèce libre par la Grèce asservie. L'expérience de l'Amérique prouve que les peuples qui se régénèrent acquièrent promptement, au moyen de la nouvelle civilisation, un haut degré d'amélioration dans leur moral et dans toutes les parties de leur gouvernement.

A la Grèce seule appartient le droit de déterminer la nouvelle forme de son gouvernement, et d'en choisir les chefs. Dès que cette forme de gouvernement ne renferme rien de contraire au principe de la société, aucun pouvoir étranger n'a le droit de s'en mêler.

CHAP. XXXV.—*Conclusion.*

Lecteurs, qui que vous soyez, quelque poste que vous occupiez, car il s'agit ici d'une cause générale, souffrez que je m'adresse à vous, et que je demande à votre sincérité de dire quel obstacle réel, c'est-à-dire digne d'être compté dans une si grande cause, s'oppose à la reconnaissance de la Grèce et de l'Amérique, et à l'affranchissement des embarras que produit, en Europe, la collision des deux parties du monde, et l'opposition des deux sociabilités qui le partagent. Dites maintenant si c'est l'esprit révolutionnaire qui a produit ces deux grandes commotions; si des menées démagogiques, faibles leviers, ont porté l'Amérique et la Grèce dans le mouvement nouveau du monde et dans la direction où il est entré depuis trois cents ans; elles aussi font partie de ce monde, et elles ont pu vouloir marcher à sa suite. Vous avez vu, au premier choc, les chaînes de ces deux contrées échapper aux faibles mains qui les avaient imposées; l'impuissance et la folie n'ont fait que recevoir leur salaire, et la nature a été vengée par la raison armée, en même temps que l'Amérique et la Grèce! Qui, dans ce grand changement, pourrait exciter votre courroux ou vos outrages? Que vous demandent la Grèce et l'Amérique? De vous laisser faire des biens infinis, en leur laissant faire le leur propre; car, en définitive, voilà toute la question; et cela sans qu'il en coûte rien à personne, sinon aux deux grands coupables, l'Espagne et la Turquie. Il n'y aura de victimes que parmi l'ignorance et le fanatisme, c'est-à-dire l'incivilisation.

Deux peuples vous demandent, et la demande est modeste, l'un de ne pas l'empêcher de naître, et l'autre de ne pas l'empêcher de renaître à la liberté et à la gloire: l'un a à vous montrer le bûcher de Guatimozin, et l'autre le divan et Scio. Les destinées de la Grèce et de l'Amérique sont sous la protection de l'humanité elle-même; elles sont de plus sous la sauve-garde de la raison; celle-ci est et doit rester la maîtresse du monde: eh bien! que se passe-t-il donc dans celui-ci? Rien de plus simple; il a été théocratique et sacerdotal, régalien et féodal, plein de collisions entre ces éléments ambitieux de se surmonter mutuellement. Maintenant le même monde est *social*, c'est-à-dire de droit, fondé sur les vrais principes de la société. Un sommeil de plus de cinquante siècles ne suffisait-il pas à l'espèce humaine? Pendant ce temps a-t-elle subi assez de dégradations? Il y a trois cents ans, une éruption soudaine de lumières est venue dissiper la nuit antique; la plus riche partie de ces clartés s'est fixée sur l'Europe; elle en est devenue le centre, d'où elles se répandent sur l'univers; ainsi, au moment où l'Europe s'éloigne de l'Amérique et de la Grèce, c'est de son propre ouvrage qu'elle s'effraye, car c'est d'elle qu'est venue leur restauration. La

réhabilitation de l'espèce une fois commencée, car c'est bien d'elle qu'il s'agit, ne peut plus l'arrêter; le genre humain est en marche, et rien ne le fera rétrograder. Que sont les obstacles que l'on prétend opposer à un pareil ébranlement? Lutter contre l'esprit humain, c'est s'en prendre à la nature elle-même: et quelle force résista jamais à la sienne? Au point auquel les choses sont arrivées, désormais toute résistance n'est plus qu'un jeu d'enfant, un acte de vain dépit, le gain de quelques heures de sommeil, pour arriver à un réveil plus douloureux: voyez si ce qui se passe depuis 1814 n'autorise pas ce langage. Le colosse de fer qui dispose de tout, qui fait tout plier sous son poids, qui a l'air de tout maîtriser, qui, avec des baïonnettes comptées par millions, pouvait prétendre à tous les genres d'invasions, aujourd'hui est sur la défensive; ses domaines se rétrécissent chaque jour; l'Angleterre le brave; l'Amérique poursuit sa course à sa vue; qui peut lui échapper, lui échappe; séparé de l'opinion, il ne vit plus que de pouvoir; il faut bien qu'il reconnaisse qu'une *idée* est plus forte que lui, car c'est contre toute idée qu'il s'effraye et qu'il s'arme. Le voilà réduit à une enceinte peuplée de terreurs. Réalisant la fable,¹ dans chacun de ses espoirs il n'embrasse qu'une nue; dans chacun de ses travaux, il s'épuise à porter sur la montagne le rocher qui aussitôt croule et l'entraîne; chaque année lègue à celle qui suit un héritage surchargé d'embarras. Dans ce moment, que défend-on? des principes, ou des intérêts publics? Non, des habitudes et des situations. Il peut être pénible de les changer ou de les perdre; ces regrets sont dans la nature, mais le monde a été le théâtre de ces vicissitudes; à leur tour d'autres ont occupé les places que l'on défend aujourd'hui. La grande loi de la nécessité surpasse toutes les autres et fait tout fléchir; la raison commande de s'y soumettre. Quand une armée s'ébranle, tout cède sur son passage, tout ce qui s'y oppose périt. Le monde s'est ébranlé, il faut qu'il passe. Quand un nouveau culte s'éleva sur l'univers, le paganisme tomba. Quand les prêtres de l'ancien culte défendaient encore des autels qui leur avaient été propices, le monde les avait déjà dépassés; du moins à cette époque la guerre civile ne s'établissait pas dans l'Olympe, et par leurs combats les dieux n'apprenaient pas aux mortels à douter de leurs oracles. Une nouvelle religion sociale est apparue, le monde vole au-devant d'elle; son apparition partage le monde et les chefs des sociétés humaines; à la vue des hommes qui les forment, s'adressent des démentis publics sur les principes mêmes de la sociabilité.² Que peut-il rester dans l'esprit des

¹ Ceci ne se rapporte qu'aux traitemens que l'Espagne et la Turquie ont fait éprouver à l'Amérique et à la Grèce.

² Voyez les discussions entre l'Angleterre et le continent depuis le Congrès de Troupau. Elles ont remis tout en question; et sûrement, dans la lutte, l'ordre rationnel n'a pas été en faveur du continent.

témoins de ces contradictions ? Je ne me le dissimule pas ; l'apparition de huit grandes républiques, la survenance d'un monde républicain rayonnant de jeunesse, de lumière et de richesses, en regard d'un monde d'institutions vieilles et peu fortunées, peut présenter à celui-ci des sujets de comparaison plus propres à l'intimider qu'à le flatter. Mais de quoi défendront les retards, les dégoûts, les choses chagrines ? car on ne peut rien au-delà. Le jour fatal ne peut manquer d'arriver, rien ne peut l'arrêter ; gagner quelques heures est le *maximum* de l'ambition ; aux grandes choses les grands partis, renverser ou adopter. Quand la force manque contre la raison, il ne reste qu'à ouvrir toutes les portes à celle-ci : c'est le seul moyen de se défendre du mal, ou, ce qui vaut encore mieux, de le changer en bien.

Dans des circonstances si grandes et si nouvelles, j'oserai élever ma voix jusqu'aux premiers assesseurs des pouvoirs européens, et je leur dirai : Retirez votre confiance à des systèmes rétrécis et personnels ; embrassez tout d'une vue le monde dans la nouvelle forme sous laquelle il se présente à vous ; suivez son mouvement pour qu'il ne vous entraîne pas ; prenez en lui ce qui peut se mettre en harmonie avec vous ; acceptez ce qui ne peut être ni refusé, ni empêché ; d'une main inexorable élaguez tout ce qui ne peut être retenu ; surtout gardez-vous du mélange d'éléments qui se combattent, ou de la scission de ce qui ne souffre pas de partage : acceptez la civilisation toute entière : en ouvrant les bras à toutes les jouissances matérielles qu'elle peut vous apporter, n'allez pas chercher à restreindre les effets qu'elle produit sur les esprits ; vous scinderiez plutôt un rayon du soleil : surtout entendez-vous bien vous mêmes, et quand vous recourrez à la haute aristocratie, comme à un protectorat social, ne faites pas de Paris un port de mer ; car les ports de mer appartiennent essentiellement à la démocratie, et les faubourgs Saint-Germain sont essentiellement méditerranés.¹ Ayez donc la vue nette de ce que vous faites. Souffrez que laissant là la politique, je vous transporte dans un champ où se trouvent plus de gloire et moins de sécheresse.

¹ L'aristocratie anglaise, fort grande dans les comtés, est inaperçue, insensible à Londres. Ce n'est pas l'aristocratie qui y produit le mouvement de commerce qui, en 1823, a montré dans le port de Londres des valeurs pour la somme de 1,700,000,000 francs. L'aristocratie russe est à Moscou, et non à Pétersbourg, ville de cour, de gouvernement et de commerce.

Il n'y a pas d'aristocratie à Hambourg, à Amsterdam ; mais il y en a à Vienne, il y en avait à Varsovie. L'aristocratie espagnole se trouve à Madrid, au centre de la Castille : la démocratie est à Cadix, et borde tout le littoral de la péninsule.

Paris est moitié moins aristocrate depuis qu'il est devenu la seconde ville commerciale de l'Europe, et la première ville manufacturière de France ; un port de mer à Paris, et voilà l'aristocratie noyée. Il y a plus d'hommes plus près d'une action que d'une réflexion.

Si jamais le pouvoir sur ses semblables peut paraître grand et avoir des attrait, c'est quand il peut être employé au service de l'humanité. Si tu es un dieu, disait un Scythe à un conquérant, tu dois faire du bien aux hommes : voilà ce que la Grèce et l'Amérique adressent aux dépositaires des pouvoirs européens : aidez-nous, leur disent-elles, à compléter notre existence ; ne fermez pas les oreilles aux acclamations de ces innombrables générations dont vous hâterez la naissance, et dont un murmure précurseur apporte à vous la reconnaissance : voyez l'Europe enrichie, embellie par ce que nous nous apprêtons à faire pour elle ; vous pouvez avoir part à tous ces biens et à toutes les bénédictions qu'ils mériteront à leurs auteurs : activer la vie d'un monde nouveau, est supérieur à défendre dans l'ancien quelques débris des temps de la barbarie complète, ou du moyen âge. Entre les hommes qui apparaissent à la fois sur la scène du monde, il s'établit toujours une comparaison de renommée. A qui l'histoire réserve-t-elle plus de gloire, du *Haut Commissaire Maitland*, ou de lord Byron, cette illustre victime de la Grèce ?.. Si celle-ci recouvre son Parnasse, le dieu qui l'habite avec son docte cortège acquittera la dette de la Grèce, en parant sa tombe d'un laurier immortel : ne troublons pas la cendre de l'autre.

Humanité, gloire, richesse, justice, vœu de l'univers, ô Grèce et Amérique, tout se trouve dans votre belle cause ; tout y parle à l'esprit et au cœur : puisse ce langage porter dans tous les esprits ces vives émotions ! puisse le jour de la justice luire bientôt pour vous ! ceux qui vous la refusent, ont, à vous en faire joir, encore plus d'intérêt que vous-mêmes.

POST-SCRIPTUM.

L'impression de cet ouvrage touchait à son terme, lorsque quatre événemens survenus en même temps ont rappelé notre attention sur un sujet que nous avions cru épuisé ; ce sont :

1° La demande de la chambre de commerce de Paris, adressée au Roi pour l'autorisation et la protection des relations commerciales avec l'Amérique.

2° La confirmation de la destruction des forces espagnoles dans le Pérou.

3° L'exposé de la situation de la république de Colombie, fait à l'ouverture du congrès de Bogota.

4° Les annonces réitérées de relations établies entre les cabinets de la fédération continentale relativement à la Grèce.

Ces quatre incidens ont une signification, et ne peuvent pas passer sans explications.

Au chapitre douzième, intitulé *Vau de l'Europe*, il a été dit que la reconnaissance de l'Amérique était l'objet des désirs de tout le commerce européen, et que la France surtout se voyait avec regret frustrée des avantages que l'Angleterre retire des relations libres et protégées avec l'Amérique. La chambre du commerce de Paris vient de donner une pleine confirmation à cet aperçu : on ne peut douter que son exemple ne soit imité par toutes les chambres de commerce de la France. Cette pétition énonce des faits précieux à recueillir, et propres à fixer l'opinion : 1^o qu'en 1824, le commerce n'a exporté pour toutes nos colonies que 8,000,000 fr. et 25,000,000 pour l'Amérique espagnole. Elle énonce l'opinion que ce commerce est susceptible d'une grande extension, et que surtout l'industrie parisienne y trouvera de vastes débouchés.

2^o Les publications officielles sur la destruction des forces espagnoles au Pérou achèvent la démonstration de l'extinction de la puissance espagnole dans ces contrées ; elle y a péri sans retour. Toute entreprise ultérieure par les armées serait une extravagance ruineuse et homicide. Par conséquent, il ne reste plus qu'à s'arranger avec l'Amérique. Dans cette occasion, a paru de nouveau la tactique employée depuis dix ans pour égarer le public sur les affaires de l'Amérique. La veille même du jour où les nouvelles officielles du Pérou sont arrivées, les organes ordinaires de ces déceptions usaient de leurs sophismes accoutumés pour détruire la croyance aux premiers avis qui en avaient été reçus, et qui avaient suffi à la conviction de tous les bons esprits : pour quelques pièces d'argent, ces hommes attiseraient l'incendie de l'univers.¹ On peut appliquer à ces décepteurs ce que le ministre Garay, dans son

¹ Les événemens du Pérou renferment deux grands enseignemens.

1^o. Nouveau Washington, Bolivar remet le pouvoir. Belle leçon pour les ambitieux de l'Europe, et pour les spéculateurs sur son ambition personnelle.

2^o. La capitulation accordée à l'armée espagnole, modèle de raison et d'humanité : après le combat, il n'y a plus que des hommes : déjà, ne s'est-on pas fait assez de mal en se combattant ?

“ Art. IV. Aucun individu ne pourra être recherché pour ses opinions avant le changement du gouvernement.” Voilà une amnistie qui n'est ni morcelée, ni un piège.

“ Art. V. Les propriétés des Espagnols absens seront respectées.....” Les Espagnols en font-ils autant entre-eux, même en Espagne ? En auraient-ils fait autant s'ils avaient triomphé ?

“ Art. VI. Tous les officiers prisonniers seront mis de suite en liberté.”

“ Art. VII. Les dettes contractées par le gouvernement espagnol sont reconnues par le gouvernement du Pérou.” En Amérique, on paie les dettes de ses ennemis ; en Espagne on refuse de payer ceux qui nous ont nourris, et que nous avons sollicités. Qui des deux aura le plus de crédit ?

Tout cela est fort instructif, et fait pour parler à l'esprit de tout homme

mémoire, dit au roi d'Espagne : *Le ministre des finances de votre majesté n'est occupé que de tromper et de mentir.*

3° La séance d'ouverture de Bogota offre plusieurs circonstances remarquables : 1° la forme du discours du président. Depuis longtemps, nous faisons remarquer que les chancelleries de ces nouvelles contrées ne le cèdent en rien à celles de l'Europe, et qu'elles sont exemptes de beaucoup de défauts qui défigurent celles-ci. On trouve, dans la pièce de Bogota, méthode, clarté, franchise, point de redondance, d'ambiguïté, de paroles superbes : tout est positif et net. 2° Chose remarquable, d'après cette pièce, le défaut de reconnaissance, exprimé dans les lettres de créance des consuls anglais, les a fait refuser par le gouvernement de Colombie, de manière à ce qu'ils ne soient que tolérés. 3° Elle fait observer que les Etats-Unis ont reconnu le gouvernement de Colombie. Cette fermeté de la part de ce gouvernement indique : 1° qu'il ne se désistera jamais sur ce préliminaire ; 2° que ce qu'il a fait à l'égard de l'Angleterre, dont il a tant à attendre, à plus forte raison il le fera envers les autres puissances moins maritimes ; 3° que depuis la victoire décisive sur l'Espagne, le gouvernement sera encore plus strict sur cette reconnaissance préalable ; 4° qu'il sent sa force et la puissance du moyen qu'il peut employer pour se faire rendre justice, en ouvrant ou bien en fermant ses portes. 5° Le rapport colombien fait connaître, 1° les ombrages causés par des Français arrivés à bord d'une frégate française ; 2° le refus d'un traité défensif avec Haïti. Les motifs allégués par le gouvernement colombien réunissent tout ce que la justice et la prudence peuvent faire désirer : cette conduite équitable, et mesurée tout-à-la-fois, honore le discernement et la moralité du gouvernement de Colombie, et montre que les relations avec l'Amérique ont autant de garanties qu'elles peuvent en obtenir en Europe.

Cet exposé de Bogota est le thermomètre moral de la république de Colombie : il n'offre rien que de satisfaisant pour elle, et de rassurant pour ceux qui auront le bon esprit de s'en rapprocher.

4° Le secret des conférences qui passent pour avoir eu la Grèce pour objet, est resté dans les cabinets qui en ont été les théâtres ; cependant il a été répandu qu'il était question de l'établissement d'une royauté en Grèce. On a été jusqu'à nommer les candidats ; car, dès qu'il y a vacance quelconque, aussitôt il y a candidature. Là, comme pour les institutions, il doit y avoir eu partage, chacun voulant faire prévaloir son client. Cette prétention nouvelle mérite d'être examinée sous plusieurs rapports.

sensé. L'Amérique nous envoie quelque chose qui vaut mieux que de l'or, l'exemple de la vertu : puisse-t-il ne pas se perdre au milieu de nos dissolutions !

1° Il n'est plus question de détruire la révolution de la Grèce, mais de lui donner une forme. Il y a loin de là à tout ce dont elle était menacée à son début ; c'est déjà un grand pas de fait. 2° A quel objet bornerait-on cette royauté ? Serait-ce à la Grèce avec le *statu quo* ? Dans cet état, à quoi servirait-elle à l'Europe, et à elle-même ? De quel poids serait-elle dans la balance politique ? Comment se suffirait-elle à elle-même contre les Turcs ? Les îles grecques en feraient-elles partie ? On n'aperçoit dans ce plan aucune trace de calcul ; il ne satisfait à aucune condition, ni à aucun intérêt public ; ce n'est qu'un réchauffé de ces ombrages de la vieille diplomatie, qui consistait en ce que les forts ne voulussent autour d'eux que des faibles pour les dominer. Si l'on a recherché des dédommagemens pour ceux qui n'ont pas su garder leur trône, ou pour ceux que les coups du sort ont empêché d'occuper ceux qui les attendaient, cela rentre dans la classe des intérêts privés, et le sort des nations ne doit pas être subordonné à ceux-ci. C'est le renversement de l'ordre social : les sociétés ne sont point faites pour des individus ; mais tous les individus sont faits pour elles.

3° Ici revient la question de droit : la Turquie ou la Grèce ont-elles demandé un souverain à la fédération ? celle-ci est-elle souveraine du territoire sur lequel elle semble se disposer à prononcer ? a-t-elle pris part à la guerre qui a eu lieu entre la Turquie et la Grèce ? à quel titre donc prendrait-elle part à la conclusion ? tout son droit se réduit à se préserver des dommages positifs, s'il y en avait de réels, et non pas controuvés par la force frauduleuse ; à son égard le droit se borne là ; pour tout autre, il est complètement absent ; et quand le nom du droit est si souvent invoqué, comment la réalité peut-elle en être séparée ?

Quant à l'établissement monarchique à former en Grèce, nous n'avons pas dissimulé notre manière d'envisager les diverses institutions qui régissent les sociétés humaines. Toutes sont bonnes en elles-mêmes, lorsqu'elles remplissent le but des sociétés, qui est et qui ne peut être autre que le bien des sociétaires. La royauté est une belle et noble institution ; mais ce n'est pas la royauté telle que Samuel la dépeint, mais telle que Fénélon la montre. Il ne faut pas plus de royauté de l'Orient, que de royaume de Salente ; tout doit se passer *par raison* entre les hommes ; il en est de la royauté comme de toutes les autres institutions humaines ; le type essentiel n'existe pas ; les formes en ont varié, et varient en mille lieux ; simple, partagée, héréditaire, élective, absolue, limitée, elle a existé et existe sous toutes les formes ; il n'y a d'essentiel que l'existence même du monarque, et l'exercice du pouvoir suffisant pour bien remplir les fonctions de la royauté ; les lois de chaque pays règlent cette partie ; le besoin de la monarchie varie suivant l'état des sociétés ; les monarchies sont fort utiles, pour ne pas dire indispen-

sables dans des sociétés trop peu avancées pour se diriger elles-mêmes ; l'état républicain est un état de lumières générales ; c'est le défaut de généralité de lumières dans la masse, qui a perdu les républiques anciennes, et sa présence qui peut conserver les nouvelles. Dans les anciennes, quelques grands citoyens, dominant toute la masse, représentaient *des rois* ; c'est pour la possession de ce trône qu'ont combattu Marius et Sylla, César et Pompée, Octave et Antoine ; les généraux d'Alexandre se trouvèrent *rois* à sa mort, et se partagèrent son empire. De pareilles républiques ne peuvent subsister, et se résolvent nécessairement en monarchies. La royauté est excellente dans les sociétés riches, nombreuses, policées, pour contenir, par une barrière inébranlable, des ambitions égalitaires, qui feraient éclater des orages ; mais cette institution préservatrice doit reposer sur des lois fixes, certaines, en un mot, être constitutionnelle, avec sincérité et intégralité ; la royauté, comme toutes les choses d'ici bas, doit être appropriée aux temps, aux choses, aux hommes ; il ne faut pas charger ceux-ci plus qu'ils ne veulent ou plus qu'ils ne peuvent porter : les Européens ne pourraient pas supporter les royautés de l'Asie, l'Angleterre celles du continent, la France, après la Charte, la monarchie avant la Charte. Pour revenir à la question qui nous occupe, demandons de quelle nature serait la royauté de la Grèce, imposée ou volontaire. Imposée, de quel droit ? qui obligerait-elle ? où serait sa légitimité ? A coup sûr, elle ne réclamerait pas le droit divin, et pas davantage le droit légitimataire : où résiderait donc le principe de son autorité ? Le caractère royal ne se confère pas comme les caractères religieux. Cette royauté serait-elle volontaire, c'est-à-dire acceptée ? alors c'est aux intéressés à prendre leurs sûretés ; on peut préjuger que les royautés basées sur les principes de Laybach, ou sur les exemples de Madrid, de Naples et de Lisbonne, ne présenteront pas des attraits propres à décider cette acceptation. Restera ensuite à arranger toute cette affaire avec les Turcs ; et là se présenteront de nouvelles difficultés. Comme on voit, il y a ici une grande complication, et l'on ne peut pas aller aussi vite que le veulent beaucoup d'hommes.

Après tout ce qui a été dit dans le cours de cet écrit, il est inutile de s'appesantir sur deux questions : 1° s'il est bon que la Grèce soit une monarchie ; 2° si l'intérêt du *principe monarchique* exige cette érection d'une nouvelle royauté, et si l'on veut opposer une masse monarchique en Europe à une masse républicaine en Amérique, en compensant en quelque sorte les pertes dans le nouveau monde, par des acquisitions dans l'ancien : *ici il s'agit de convenances, et nous parlons du droit.*

On aurait de la peine à prouver qu'un peuple soit astreint à accepter une institution, en vue de la stabilité des institutions de

ses voisins. Au fond du raisonnement contraire, on sent distinctement une épée.

Terminons cette discussion, en disant que les destinées du monde viennent d'être fixées dans les plaines qui ont été les témoins de la dernière défaite de l'Espagne, et que les champs d'Atacucho ont été pour le monde ce que Pharsale fut pour Rome, et Waterloo pour celui qui, pendant tant d'années, avait maîtrisé la victoire : ce sont de ces coups dont on ne relève pas.

On vient de porter à la connaissance du public la correspondance entre le gouvernement grec et anglais. Les sentimens exprimés par les Grecs sont précisément ceux que nous leur attribuons dans le cours de cet ouvrage, la ferme résolution de mourir plutôt que de renoncer à leur indépendance et de subir les lois des étrangers. Le ministre anglais, Canning, assure la Grèce de la neutralité la plus entière, rejette les plans qui ont circulé dans le public, et déclare que la Turquie ne veut entendre à aucun arrangement. Le ministre anglais déclare que si sa médiation était réclamée par la Grèce, il l'offrirait aussi à la Porte ottomane, et se concerterait avec les autres puissances. Là est le vrai système, et le salut de la Grèce.

THE SCIENCE
OF
PHRENOLOGY

CONSISTENT WITH THE DOCTRINE

OF
CHRISTIANITY;



A LETTER ADDRESSED TO DR. SPURZHEIM,

By JOHN C. TOMLINSON, Esq. M. A.

Ἐγὼ δὲ σαρκικός εἰμι, πεπραμένος ὑπὸ τὴν ἁμαρτίαν.

ORIGINAL.

LONDON:—1826.

PHRENOLOGY,

&c. &c.

TO DR. SPURZHEIM,

Sir,

THE science of phrenology, of which you are so able a professor, labors under a disadvantage, from which I wish to release it. In the popular discussion of it, there is something highly amusing, and it often applies to the character of individuals with peculiar fitness : but then it is sneered at by the witty, and confuted by the wise ; and seriously to declare in its favor, is equivalent to a display of the full development of the organ of credulitiveness. Not wishing to enjoy such a character, I have only coquetted with your *belle amie* ; sometimes romancing with her, and at others ridiculing her ; to day arguing seriously in her favor, to-morrow as seriously proving her to be—not what she seems. Besides some assert that she is a materialist ; and materialism is a doctrine revolting to reason, and destructive of religion. It is revolting to reason, because it makes men,—beasts ; and it is destructive of religion, because it establishes physical necessity. I therefore durst not become a phrenologist, although I sometimes argued myself into a kind of belief, that the philosophy of the science is true. This unwilling conviction led me to think more seriously of the points, in which it seemed to oppose itself to religion ; and I had almost determined to reject it altogether, as a dangerous study ; when a work entitled “*Literæ Sacræ, or the Doctrines of moral Philosophy compared with Scriptural Christianity, in a Series of Letters,*” was put into my hands ; of which some passages (which I will presently quote), led me into a train of thinking, at once calculated to relieve my mind, and to reconcile the science with the doctrine of Christianity : and if I have discovered the link which thus unites them, and can free your favorite science from

the heavy charge of materialism, and its infidel consequences, I need make no farther apology for thus publicly acquainting you with it.

As the book which I have named is anonymous, it cannot well be quoted without circumlocution. I shall therefore make so free with it, as to extract such passages as I may require in the course of my argument, with no other notice than a reference to their pages. My motive, I think, will excuse me with the author of that bold and elaborate work.

It is not my intention to enter into any question respecting the truth of the science of phrenology; nor shall I attempt to determine in what degree organisation is an instrument of the mind, or of the passions. I here mean only to insist on this point, that it is not and cannot be proved that intellectual operations are the *result* of organisation. In all our mental acts, although organisation is employed in their formation, it is only employed as an instrument, by an incarnated power. Is it not weak reasoning to conclude, that because organisation is employed in certain acts, it must be the cause of its own employment? as well might materialists argue, that a grindstone was turning itself, if they happened not to see the source of its motion.

Need I take any trouble to persuade you, that we are not self-moving powers, that there is an ἡ ψύχη—ἐν θνητῷ σώματι ἢ? I will not attempt it. The Scriptures declare, that we are compounded of body and soul, and that is sufficient authority in my present argument. No one, I hope, will be so hardy as to assert, that materialism is an essential consequent of phrenology, without proving it beyond the power of reason to controvert. That man is an instrument, I readily admit: and that the instrument is differently formed in different individuals, is a physiological fact. I also argue that differently-formed instruments are adapted to different purposes; and hence the variety of intellects, appetites, passions, and affections, displayed in human nature. The author of whom I spoke says: "both materialists and immaterialists agree in regarding the body as an instrument." It is doubtless an instrument, not only of sensation and perception, but also of understanding; as the most simple act of sensation and perception presupposes the working of the whole psychological machine. Memory and judgment are both involved in the simplest idea which can be presented to the mind: but those operations of the soul, or the understanding, can only be put in motion through the senses whose organisation forms part of the body. Memory is supplied by sensation and perception, and judgment cannot be exercised without memory. The passions also, and the higher operations of intellect, are never active, but

through the organisation of the body. The body and the soul have also a reciprocal influence on each other, and this mutual ascendancy is observable in the health of each. Many bodily complaints, especially scrofula and fever, and nervous diseases, have a certain effect on the understanding; and the soul will disorder the body through severity of application, or intensity of emotion. I am constrained to use the word soul as a term to include the acts both of the affections and the understanding; language not affording us specific expressions for these operations. But the effect of the soul on the body must be through organisation. A man affected by a letter¹ suffers some physical derangement of certain functions; those functions are therefore engaged in the formation of the thought which affected him, for it is not necessary that the contents of the letter shall be true. Thinking, therefore, is a purpose to which organisation is applied as an instrument. But thinking is an act of the mental faculties. The soul therefore, in its mental act, works with the machinery of the body. Nor can we think without this machinery; nor do we think when we are asleep and the body is at rest, nor in death when it is temporarily broken up.

"Again, the mental act of reading a letter which affects a man with syncope, includes memory, reflection, and judgment; each of these acts of the mind may, therefore, enter into the formation of that compound idea which overpowers the body—each of these mental operations, therefore, is connected with, and operates through the organisation of the body."—*Literæ Sacræ*, pp. 297, 298.

This quotation is from a work decidedly religious, the author of which appears to be a clergyman of the established church, and the admission which it makes is, I think, sufficient to satisfy the most determined phrenologist. But instead of arguing that "intellectual forms" are the result of organisation, he says, . . . "although the physiologist has not been able to descry those peculiar organs, we are assured from facts that they do exist, and are operated on by the soul, and form the instrument of mental perception; that is, the machinery of the understanding." p. 300. This is a step in the philosophy of phrenology, which may be taken without affecting the principles of the science. Because the organisation of the body (suffer me to repeat this part of my argument) is correctly considered as forming a peculiar instrument; it does not follow that that instrument shall be self-moved. "When infidels and physiologists² consider man as a machine, they fall into the absurd notion of including in that machine both its moving power and final pur-

¹ Alluding to Remarks on Scepticism.

² He is evidently alluding to the materialists.

pose, and thus attribute to organisation inherent life and the power of thought, and also some object of life, although they do not agree in that object. But Scripture and reason assure us, that the soul is as distinct from the body as the engine which gives power and the machine which receives it." p. 309; see also pp. 296, 297. I would here observe that there is nothing unreasonable in this view of the subject. Phrenology asserts that there are certain organs in man adapted to certain purposes: religion admits the assertion, and adds, that they are the instruments by which the soul works. The author I have so much quoted goes still farther; "It is an error," he says, "to consider the soul as having active life, independent of the body." p. 313. And he enters into an argument, which he supports by the Scripture, to show "that when the instrument is incapable of use, the purpose for which it was used is no longer attainable."

The analogy which I have instituted will stand thus. A machine is put into motion by a certain power. Man, therefore, considered as a machine, is worked by a certain power. That power, religion says, is the soul. But a machine, also, is used for some particular purpose. "What therefore, let me ask, is the purpose to which the energy of our being is properly applied? Nor is this an idle question: look at the different answers which both the language and conduct of men give to it." p. 307. "We know not before we learn it from God himself, that there is a certain purpose for which we were born—a certain object in life to be attained—namely, the fitting of our being, the 'living soul,' for its eternal habitation, through the sanctifying of the heart. The heart may therefore be considered as the object or material on which the powers of this instrument or machine (body and soul) are to be expended." p. 308.

It appears from this reasoning, that the end of life, as Socrates almost supposed, is to fit us for death; that is, to overcome the carnal propensities of our nature. *Διότι τὸ φρόνημα τῆς σαρκὸς, ἔχθρα εἰς Θεόν· τῷ γὰρ νόμῳ τοῦ Θεοῦ οὐχ ὑποτάσσεται· οὐδὲ γὰρ δύναται.* The carnal mind, therefore, which I may without offence here call the phrenological mind, is to be freed from its vicious appetites, passions, and affections, to become fit for its ultimate state of *ζωὴ καὶ εἰρήνη*. But how is this effect to be accomplished? It appears almost impossible. Man cannot change his formation; he cannot alter the form of his organs. He is led to understand that he is the creature of certain appetites and passions and affections, because he has certain peculiarly-formed organs:

¹ For my part, I always imagined that when St. Paul says we sleep, he means what he says.

these appetites, he is told, are the result of that organisation, and therefore he sins necessarily. That such is the inferential teaching of the science, I gather from observations made in one of your own lectures ; and I again recur to the mischievous doctrine, to point out its dangerous error. There certainly cannot be a surer way to reconcile mankind to their pleasant vices, than by teaching them that they are the necessary results of their being. And we see men of talent, education, and science, adopting this most unphilosophical doctrine ; arguing that the human machine works itself : an absurdity in reason, an error in fact ; a position without either evidence or analogy to support it : the principle of Palmer's ridiculous but malignant book ; the wisdom of every quack philosopher ; and the refuge of every one, "*quorum interest, ne quis sit Deus, id est, humanarum actionum iudex.*"

But assuredly this absurdity is not indigenous to your favorite science, it is only the short-sighted conclusion of those who draw their inferences like the drayman's horse : your science teaches that the human machine, by certain differences in its construction, is adapted to different purposes. From this fact you hang a corollary both reasonable and harmless. Differently-formed instruments will doubtless have different outward shapes. With this part of your science, however, I have nothing more to do, than to encourage the craniologist to attend to the means which the Scriptures provide for the subjugation of his phrenological appetites, passions, and affections.

Instead, therefore, of those organic peculiarities (the passions, &c.) being results, they are only natural propensities determined by the form of the instrument into some particular modification, according as the instrument itself is adapted to its particular purpose. Thus, as the soul works with the organised instrument the body, if that instrument be of such a form, as an ear for music, or an eye for painting, or an imagination for poetical imagery, or a faculty for combining numbers, implies, then the man is organically predetermined to the pursuit of music, or painting, or poetry, or mathematics.

The same train of reasoning applies to our natural disposition. Every man has a particular constitutional disposition. The phrenologist argues that it is in consequence of peculiar organisation. I grant his argument. "Now it is a well-known fact, deduced from the science of optics, that the mind may carry on an intellectual process which leaves no trace in the memory. The usual phrase of men is, that they speak or act without thought. They may without the consciousness of thought ; but there is as complete a process at the heart, of desire, affection, will, judgment, decision, and such-like mental acts to give utterance to the most

thoughtless wish, or to determine the most indifferent action, as is required to elaborate its most difficult operations." pp. 269, 270.

The action of appetites, passions, and affections, is therefore in organisation : so also argues St. Paul ; he calls them τὰ παθήματα τῶν ἀμαρτιῶν, which, he says, did work in our members.

An appetite, therefore, is a certain motion in our "flesh" which produces the desire of gratification. But what determines the particular bent of that desire ? What wills it ? The sensualist does not sit down coolly and calmly, and argue himself into a particular desire ; nor does he will the gratification. He is subject to a certain appetite, which produces the desire of gratification, and the will is nothing more than the cognisance of the mind that that gratification is determined : the will (commonly so called) is not the act of determining, it is only the knowlege of it. The determination is in consequence of something that has gone before. In cases of sensual indulgence, or of moral torpitude, the desire of gratification predominates over every artificial restraint ; the appetite produces the desire ; and the appetite arises from peculiar organisation.

In the same manner, passion, cruelty, inhumanity, and want of sensibility even to the extreme of destructiveness, may be shown to arise from peculiar organisation. Man does not determine to foam with passion, nor to be insensible to finer feelings. He does not will hard-heartedness, nor argue himself into a disposition to murder. The disposition is constitutional, that is, like a constitutional disease in the body, in organisation.

I have thus stated so much of the principle of your science, both fully and fairly, as is essential to my argument ; and have made admissions, quite sufficient to satisfy those phrenologists who are gifted with the largest developments of scrupulositiveness.¹ I go with the phrenologist in ascribing the particular bent of his appetites, passions, and affections to peculiar organisation. I now ask the phrenologist to go with me in ascribing to revelation both the knowlege of the cause of such peculiarly-formed organisation, and of the power which alone can effectually deliver him from its baneful influence.

The fair conclusion of our argument is, that man necessarily gratifies certain desires which are sinful. Such is also the teaching of the Scriptures. *That*, which the material phrenologist deems to be the result of organisation is ORIGINAL SIN. "Man through the corrupted powers of his heart, the consequence of the disobedience of Adam, is unable to obey the will of God, and therefore sins necessarily." p. 317. "In consequence of the spi-

¹ Do be pleased to alter your horrid words ; e. g., cut off the bumps from philoprogenitiveness, &c. &c. &c.

ritual defect of the heart, entailed on our whole race through the disobedience of our first parents, man, by his natural power, can neither know, nor understand, nor perform the will of God, and is therefore necessarily disobedient." p. 137.

Is not this argument worthy your attention? If religion be true, it will meet every fact of our natural life which can have an effect on our moral life. Here is a phrenological fact. Through peculiar organisation man is determined to certain acts. This determination is irresistible, he sins necessarily. Does religion meet this fact? Does it provide a power capable of overcoming that organic determination? Religion does both. It acknowledges the fact, it makes it the basis of all its doctrines which are applicable to men. On this fact is grounded the necessity of a revelation; the wisdom of the atonement, and the efficacy of grace. Let me prevail with you to look on the religious philosophy of the means provided by the Deity for the purpose of checking and subduing our organic propensities.

We agree that men sin necessarily: the teaching of the Scriptures is, that all men sin. It will follow therefore that the organisation of every man in one way or another, and in one degree or another, determine him to sinful gratification. "Now the philosophy of the Scriptures teaches, that the desires are motions of sin working in our members; ¹ which in a variety of places are attributed to the flesh lusting against the spirit,² and the mind which they produce is called a carnal mind,³ which is a sinful mind." p. 300. This is almost the language of phrenology. Again—"Now God is not the author of sin.⁴ He is not therefore the author of a carnal mind. Such a mind is a consequence of the fall of Adam, and is entailed on us by generation. But our bodies owe their being to generation. The sinful mind therefore arises from the body—from its peculiar organisation." p. 301. "The expression which St. Paul uses to characterise those in whom the Spirit of God is not indwelling is, that they are 'carnally-minded.' 'They walk after the flesh,' he says, and they that are in the flesh cannot please God." p. 290.

In the following quotation this subject is still more deeply considered. "The seat of the desires and affections and passions, is said by Christ to be the heart. In the case where the object of desire is to gratify some carnal appetite, it is evident that the mind

¹ Rom. viii, 5.

² John iii, 6. 2 Cor. viii, 1. Gal. v, 16—19. Gal. vi, 8. Eph. ii, 3. Eph. iv, 18. Col. ii, 11. Heb. ix, 13. 2 Pet. ii, 18. 1 John ii, 16. Gen. vi, 5. Jer. xxvii, 9.

³ Rom. viii, 6, 7. Rom. vii, 14. 1 Cor. iii, 3, 4.

⁴ James i, 13, 14. Matt. xv, 18, 19.

⁵ Rom. viii, 5, 7, 8.

is immediately acted on by the body ; and the seat of that action being the heart, the heart is therefore the seat of the will, because the will is that act of the mind which secretly determines on the gratification."

Moses also taught that "the life of the flesh is in the blood."¹ Now we observe in nature that there is no life without a co-existing motion : and we know that the circulation of the blood is co-existent with human life, and that the heart gives motion to the blood. The mind, therefore, and the body operate together, and both the spiritual and physical powers of the "living soul" in the generation of the passions have the same seat of action.

"But volition is independent of the mental powers, and is produced by the 'motions' of the flesh on the heart ; hence the absolute power of sin, and hence the necessity of regeneration. But where is regeneration effected, on the soul or the body ? We are taught that the heart is the object of the graces of religion. Regeneration is therefore effected on the heart in a certain 'change,' of what I have before called its faculties. Organisation remains the same, but a spiritual power is given to check and restrain the motions of the flesh, and to induce higher desires and nobler affections." pp. 301, 302. "By regeneration, or being born again, or the new birth, I therefore mean that change of the state of the heart in which its capabilities are altered, or its organic disease removed, and its primordial powers restored : that as before this change man is necessarily disobedient to God ; so after this change he has the power both of religious perception and religious obedience." p. 232. "Let me again remind you, that regeneration is not faith, is not sanctification, it is the incipient capability of the heart for the reception of grace." p. 237.

But if regeneration, which takes place at baptism, be the incipient capability of the heart, sanctification is the ultimate state of it, as man is empowered through the saving influence of grace to check, restrain, and finally to subdue the organic determinations of his phrenological appetite. "We must, therefore, consider regeneration as the first step which the Holy Spirit takes in our salvation : the last is that high and excellent degree of Christian perfection, by which we partake of the divine emanation of love which flows, from the throne of God. The intermediate steps are various, according to the state of that heart on which the spirit of grace is shedding his sacred influence." pp. 229, 230. "Again, is there a motion of evil at the heart ; is there a thought, word, or action, to which guilt can be attached ; is there a single error, or crime, or sin, which may not be overcome through the influence of

¹ Lev. xvii, 11.

the Holy Ghost ?" pp. 273, 274. "And hence, although the heart is the first object of solicitude to a seriously-reflecting Christian, even such an one can only judge of its religious state by the agreement of his external actions with his inward feelings." p. 271.

From these extracts it appears that the author who furnishes me with my argument philosophises thus : That man sins necessarily ; but God is not the author of sin : sin is therefore in consequence of the operation, of some subsequent agency on man. Religion teaches that man originally sinned through such an agency ; and that the effect of that sin is entailed on all mankind. But he shows that man only derives his body by generation from our first parents : sin therefore is in his body, i. e. in "the flesh," as the Apostle has it,—in organisation, as the phrenologist reasons. Again, the "motions" of the flesh have an effect on the mind. So you argue, and so the Scriptures acknowledge. The latter also teach that the *locus* of this carnal mind is the heart : and it was one object of the atonement to procure for man a certain influence to be applied to the heart, to oppose, to counterwork, and finally to subdue the effect of organisation on it.

Thus, I trust that I have shown that phrenology is consistent with religion, and in doing this I can have but one object in view. There are certain facts in the science of physiology which cannot be denied, and they are brought in argument to bear on the moral power of man. Now, as a professor of Christianity, I must broadly admit that my religion, to be true, must meet every fact that can be shown to affect our moral capability. And thus it meets the physiological facts of which I speak. It shows that they are the consequence of original sin, and that one object of the gospel-dispensation is to provide against the effect of them on the moral capabilities of the heart and mind.

Let me distinctly disown all reference in this argument to the popular *form* of your favorite science. I have seen with pain the effect of it on some of my speculating friends, who not content with the facts must reason on their effects, and draw metaphysical conclusions, the consequence of which is, that they are organically impelled to certain indulgences, and thus they excuse their vices ; and also being taught that their propensities are the results of organisation, they metaphysically conclude that when the "machine is broken up," they will have no more consciousness nor responsibility than "beasts that perish." Such conclusions may bring comfort to a weak man, and consolation to a bad man ; but they are beneath the attention of all men who feel a hope beyond the fate of dogs and donkies. "Atque etiam cum hominis natura morte dissolvitur, ceterarum rerum perspicuum est, quò quæque discedant ; abeunt enim illuc omnia, unde orta sunt ; ani-

mus autem solus, nec cùm adest, nec cùm discedit, apparet.”¹ Human power never went farther. Socrates, Xenophon, Cicero, and Seneca, believed that they had souls, and longed for further information on the subject; concluding that the question could never be fully answered until the *τινα ἄλλον κηδομένους* was sent: but now He is come, the sages of science, longing for the independence of the human intellect, reject all revealed light, and rather submit to be mere machines, than reasoning beings; and prefer annihilation to immortality. Is there no particular bump on their heads to designate the organ of logicoabsurditiveness?

I am confident that my argument only needed to be stated to attract your attention, and you will readily perceive how much more engaging and beneficial your system and lectures will be, when they become, as all science should be, auxiliary to the great purposes of religion.

How many—especially young men, who now are led into the dark and dismal region of scientific infidelity, will have cause to rejoice when you add to your really interesting and important science the lights of reason and revelation, and say that the machinery which is indicated to the craniologist, and demonstrated by the phrenical physiologist, is worked by the soul of man; and through the correcting and directing influences of religion, may be used to all the better purposes of life, purifying the heart, regulating the affections, subduing the passions, and perfecting the life and hopes of man.

I am, Sir, your faithful Servant,

J. C. TOMLINSON.

¹ Cic. de Sen. § 22. Vide Cyrus apud Zen.

A CHARGE

DELIVERED

TO THE CLERGY OF THE DIOCESE

OF

BATH AND WELLS,

AT



THE PRIMARY VISITATION OF THAT DIOCESE,

IN

JULY, AUGUST, AND SEPTEMBER, 1895.

By GEORGE HENRY LAW, D.D. F.R.S. & A.S.

LORD BISHOP OF BATH AND WELLS.

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A CHARGE,

&c.

MY REVEREND BRETHREN,

IT is impossible for me to meet and address you for the first time, without your thoughts naturally recurring to that late amiable Prelate, who, for more than twenty years, had the Episcopal superintendence of this Diocese. In mildness and urbanity of manners, in a wish to promote, on all occasions, the interest and comfort of his Clergy,—in these points, he yielded to none. Such kindness, I well know, has been duly appreciated by you, and will, I doubt not, long live in your recollection and esteem.

Without, however, indulging further in fond but unavailing remembrances, suffer me now to draw your attention to the immediate and important business of this day's solemnity.

In compliance with the usage of our Church—an usage hallowed by time, and approved from its beneficial results, are we here assembled together. From these meetings we may both derive a mutual advantage, in an interchange of thought, and the communion of counsel between us. You, my Reverend Brethren, from your local knowledge, may impart the most important parochial observations to me; I, on my part, from maturer age or fuller means of information, may offer advice or suggest hints to you. Thus the Bishop becomes known to his Clergy, the Clergy to their Bishop.

At a period when every thing relating to our profession is sure to attract the notice of the public; when groundless and malign objections are unsparingly thrown out against our order and its utility, I do not see how I can more profitably employ the present opportunity, than by pointing out the appropriate duties of the Christian Priesthood in this our day;—by recommending to you that line of conduct, which, from the circumstances of the times, you are now peculiarly called on to adopt. Aware of the nature and

importance of these sacred obligations, it will, I doubt not, be your desire and endeavor faithfully and zealously to discharge them.

I. The point which first demands our attention is of a local and personal consideration; it is a point however of supreme importance, inasmuch as it involves not merely the credit and interest of that Diocese with which all of us are so closely connected, but also the spiritual welfare of those committed to our charge—their happiness in time and eternity. For this the Christian Ministry was instituted: this should be the great and paramount object of our lives and labor. Now the means by which we are enabled to promote this end, are example and instruction. Residence, then, is the foundation on which every goodly superstructure must be erected—the main, if not the only channel through which any spiritual communications can flow. But if the Minister desert the fold, the Parishioners cannot hear his voice; if he live not among them, they cannot see his good works, and thus glorify their Father which is in heaven. It will therefore be my first wish and endeavor, to procure for each Parish in my Diocese, wherever it can justly and fairly be enforced, the personal residence of an Incumbent or Curate. I say *justly* and *fairly*, because to this, as almost to every other general rule, there must of necessity be some exceptions. To many of our Livings there are no glebe-houses attached: in some, there are no means by which such glebe-house can be erected: whilst, in not a few parishes, no suitable place of residence can be procured at all. These cases speak for themselves. Nor is this all: a considerable number of Benefices have one or more Chapels annexed to them, for the due performance of the duties in which the Incumbents of the Mother Church are, by law, responsible. The mode of relief which I contemplate in this case of exception, is the severance of the Chapel from the Mother Church, by augmentation, through the instrumentality of the Governors of Queen Anne's Bounty. By the Statute of Geo. I. cap. x. §. 4, Chapels, when augmented, become Perpetual Cures; and if the population of the Chapelry amount to or exceed five hundred persons, the income of the severed Curacy may be raised to £100 per annum, or more, according to the extent of the population. The advantages which will arise from the adoption of this measure, are many and important. The Incumbent is disburdened of a charge for which he could not properly provide. A distinct Minister is appointed to a separate Cure: the means of both are rendered more adequate, and each Congregation obtains the blessing of a Resident Clergyman. Such being the consequences resulting from this measure, every proposal for the accomplishment of it on your part will always receive the most willing co-operation on mine; and thus shall we obtain the great object I have in view, an increased

residence, and that with a due attention to the income of the officiating Minister.

Concerning one considerable source of non-residence, I feel myself called on to express my most unqualified disapprobation. It has been too much the practice in this Diocese for a Clergyman to undertake, together with his living, a Stipendiary Curacy. Though this custom cannot be interdicted in every case, without any exception, yet I certainly shall not be disposed to allow it, whenever either of the Livings exceeds in value £200 per annum. If the benefices fall below this amount, the situation of an Incumbent is entitled to a fair and liberal indulgence. The Legislature has contemplated and made allowance for the case. Urgent as may be the spiritual wants of the Parishioners, and no one can in every instance be more alive to the sacred call than myself, yet still the necessities of the Incumbent should have their due share of consideration. The expenses which attach to his station in life, can hardly be contracted into so small a compass as that which I have mentioned. The appearance and circumstances of the Minister of the Gospel should not degrade the holiness of his functions. Some little kindnesses, some deeds of charity are always looked for at his hands, and are, for the most part, as generally bestowed. The expenses also of a due preparation for the Ministry are in no case inconsiderable, and often exhaust the little pittance that had been laid by in store. The widow too and orphans of him, who had moved in a sphere of comparative comfort, should not, when bereaved of their stay, be reduced to a state of positive indigence and degradation. They who had known the blessedness of administering bounty, should not be made to feel the pang of asking it. No invariable rule, therefore, can be laid down, which will apply equally to every case. In all, however, it will be my desire and endeavor to adjust impartially the fair claims of the Minister and his Parishioners, and to weigh them—in the balance of the sanctuary.

But though the laborer be in all instances worthy of his hire, and not least of all the laborer in the vineyard of the Gospel, yet am I fully aware, that a pecuniary consideration is not the sole or the main incitement with those I am addressing. Your views are elevated to higher and nobler objects. You well know and feel whose servants you are, and look onward beyond all secular remunerations to those brighter rewards, which this world can neither give nor take away.

Residence then, in every case, where it can properly be required, will be the primary object in my administration of the affairs of this Diocese. I trust that there will be no one instance of palpable delinquency, to disgrace yourselves—or me. A non-resident Minister is little better than no Minister at all. He who would se-

cure an interest in the poor man's heart, must enter his cottage. He who would lead him into the right path, must gain his love and esteem. Sunday we allow to be the most important day of the week ; but it is only one day out of seven. The lot of the Minister may not be cast on a fair land ; but *there* is a flock of Christ ; there are souls destined for immortality, souls of which he has undertaken the care, and of which he must one day render a strict and fearful account. That he may present every man perfect in Christ Jesus, should be, as it was with St. Paul, his hope and crown of rejoicing. But how can he who has abandoned his flock ponder on that memorable declaration of our Lord, "I am the good Shepherd, who know my sheep, and am known of mine ?" With what emotions must he even read these awful words, "of those whom thou hast given me, I have lost none ?"

The point to which I would next proceed to draw your attention, is the quantum of duty required to be performed in your respective Churches. And here arises the only question on which I anticipate any difference of sentiment or feeling between us. In very many, must I not say in the larger number of Churches in this Diocese, only single duty is performed : in all, with the exceptions already stated, it is my wish and expectation that there should be Two Services, with a Sermon at each.

The reasons on which this requisition is grounded, appear to my mind, as I hope they will do to yours, full and conclusive. Man is a thinking being. It must naturally therefore be his first care to learn, whether he is to sleep for ever in the silent tomb, or whether this mortal is to put on immortality. Having ascertained this point, it will be his next wish to know, what it is that he must believe and do for his soul's health ; on what his destiny must depend, through all the endless ages of eternity. He will, therefore, be desirous of entering the doors of the Church, if the Church be open to receive him. There he has just reason to expect, that the word and will of his Creator and Redeemer will be most faithfully explained and enforced. But if the Church be shut, he will repair to any place, and we bane him not, where he hopes that divine knowledge may be imparted to his soul.

What then must be the feelings of that Minister who is conscious to himself, that, from his own lukewarmness or indolence, his people have wandered from their proper fold, and gone away into strange pastures ? May these feelings, my Reverend Brethren, never be yours. Let the church-bell be heard twice on each Sabbath-day : let it be the summons to every one to repair to the house of his God ; there to bend the knee in thanksgiving and prayer ; there to hear the word of life, and turn his thoughts for a few hours at least from things temporal to things eternal.

Such, and so continued are the engagements of the poor, that small indeed is the portion of their time, which is not, of necessity, devoted to labor or rest. The Sunday, therefore, is the main, if not the whole, of existence, which the poor man can properly call his own: all which, for the most part, he does or can appropriate, exclusively, to the concerns of an immortal soul. Now this leisure must be well or ill employed. If it be not engaged in the affairs of religion, it will be wasted in idleness, or debased by sin. Incalculable, then, are the advantages or the evils which must arise from the proper or improper observance of the Lord's-day. "Thou shalt keep holy the Sabbath-day," not a part only but the whole of it, was the express command of God himself. Instead, however, of furthering the observance of this divine precept, we tempt the Lord's people to sin, if half of this sacred day be left a blank, unhallowed, unappropriated to divine worship and prayer. Alas! a state of inoccupation, the very thing that was designed to promote the virtue and happiness of the lower orders, becomes, from the inducements and facilities it holds out, the occasion and means of their transgressing. But if the Sunday be lost to the poor man, life is lost. That Minister, therefore, who performs the divine service only once on a Sunday, when he might, if so disposed, administer a second service, endangers, as far as depends on himself, the souls of his people, or at least diminishes that sum of Christian virtue, according to the amount of which both he and they will be recompensed at the last. All the good, then, which the Parochial Minister is bound to do, can never be effectuated by a single service alone. The engagements and the habits of the working-classes in society, prevent the attendance at church of every part of the family at the same time: two services, at one or other of them, might admit all.

To observe that divine worship must, under all circumstances, be administered in every Church, at least *once* on each Sunday, would be giving importance to a circumstance which seldom does occur, and which ought never to have occurred at all. Let the celebration of divine service once in each fortnight, or once in every three weeks, be not even named among you. Whoever has undertaken a cure of souls, and willingly suffers a Sunday to go by undistinguished from the rest of the week, unmarked by any holy ordinance, he offends, grievously offends, against the laws of the land, and against the laws of his God.

Most anxiously, then, do I recommend and enjoin the performance of full duty in every Church throughout the Diocese, wherever it is practicable. The law enables me to enforce the admonition.¹

¹ *Vid.* 2 & 3 Edw. VI. cap. 1; 5 & 6 Edw. VI. cap. 1; 1 Eliz. cap. 11; 14 Car. II.; 51 Geo. III. cap. 99, §. 51; and the Rubrick, *passim*.

The Bishop, by the Ecclesiastical Law, has the power to superintend and

But on this point I forbear : I would not suppose the possibility of my being obliged to have recourse to any compulsory measure ; on the contrary, I trust that the arguments alleged will produce a ready and willing compliance on your part. You, my Reverend Brethren, will, I hope, be as desirous as I can be, to promote a measure, productive of the moral and religious improvement of your parishioners, and connected with your own credit and character.

And here give me leave to observe, that my own experience most fully confirms this reasoning—an experience, let me add, resulting from a personal visitation of the churches, in two very important Dioceses. In almost every place where the parishioners enjoyed the benefit of a resident and a zealous Minister, and where there was double duty, dissent had not dared to approach their dwellings : on the contrary, wherever there was a non-resident Minister, or an ineffective one, or where there was single service alone, there, the rising meeting-houses had, for the most part, been sure to rival or overshadow the church.

The disuse, however, of two services in so many of our churches, is not the only instance, in which the obvious intention of the Legislature has been improperly defeated. The Liturgical formulary for praying with the Sick, and even the visiting the Sick at all, have, for a long period of time, been gradually falling into neglect, and are in some places disregarded altogether. I am unwilling to believe that the sad prevalence of this evil is to be attributed, solely, to the inattention of the Pastor. Of this, however, I am sure, that the means of counteracting the evil are greatly in his power. He may point out, both by public and private monition, the importance and the benefit of this impressive but neglected duty : he may show his willingness promptly to attend to every summons : he may offer his services, though uncalled for. Surely, a faithful Minister of Christ should exert all his endeavours, that the last thoughts and prayer of a departing member may be for the salvation of his immortal soul ; that his views, which are closing upon earth, may be directed to that awful change which appears to be awaiting him ! But, should health be restored and life prolonged, the good resolutions formed on a sick bed will probably not vanish with the occasion that gave them birth. Sickness naturally leads the mind to seriousness, and thought. When the soul is on the confines of eternity, then, if ever during our abode upon earth, the veil is withdrawn from our eyes, and we behold things present and things to come in their true and proper light. Most, we trust, have been made wiser and better, by the

direct the performance of divine worship in all its branches, consistently with the Rubrick and Statutes.

reflections which illness has suggested. How strongly, then, must all these good feelings be confirmed, when the Minister of the Gospel is at hand, commemorating with them the Last Supper of our Lord, and directing their view to the only pure source of religious hope—the mercies of God, through faith in Jesus Christ our Lord.

Much good also accrues to the attendants on a sick bed, from the scenes to which they are witnesses. Prostrate together before the throne of God; conscious of their own weakness and his power; feeling that with him alone are the issues of life or death, religious impressions naturally arise in their minds: these, if fostered, may spring up unto holiness, and in the end produce everlasting life. Such being the benefits of this important rite, a greater attention will, I trust, be shown to the observance of it, than has, in very many instances hitherto prevailed.

Neither do I think that the Communion of the Body and Blood of Christ our Saviour,—a Sacrament of our Church,—is so frequently administered, as its importance and efficacy imperatively require. There is no Ceremonial of our Religion so well calculated as this, to awaken the best energies of our soul. It was the last memorial of a dying Redeemer!! It is that which we were commanded to do, as long as we live, in remembrance of him!! And shall this precept of our divine Redeemer, a precept delivered at such a time, be treated by the sons of men with indifference or disregard?

With respect to the mode in which this holy ordinance is performed, I am not called upon to make any observation whatever: the bread and wine are, as I learn from you, given separately to each communicant. I would; however, earnestly recommend a more frequent celebration of it than the Canons of our Church absolutely require. The Sacrament administered MONTHLY, would, believe me, produce a sensible amelioration in the feelings and habits of your parishioners; and this blessed effect would more than repay you for any additional labor—in the Lord.

As intimately connected with this part of my subject, give me leave to advert to the diffusive benefits which arise from the establishment of Sunday Schools. In the larger towns of the Diocese this point has received a most laudable attention; but each of you, my Reverend Brethren, in the most secluded situation, might establish and direct an institution, of the nature I am recommending. There are few means by which a Minister of our Church can more effectually promote the cause of order and Religion. A Sunday-school is an easy, cheap, and unmixed good. Education, unless grounded upon religious principles, may be a curse, instead of a blessing. Education, with Religion, is the greatest boon which man can confer upon man.

II. In the next place, the Minister is not only called upon to reside in his parish, and rightly and duly administer the offices of our Church; it is also a most essential part of his bounden duty, to avoid the prevailing extremes of lukewarmness and enthusiasm, and to deliver from the pulpit the peculiar and saving doctrines of the religion of Christ. A zealous but well-tempered attention to this point is now particularly requisite, in this age of religious inquiry and discussion. Many prefer theory to practice, and trust more to delusive feelings, than to that faith which worketh by love. All wish to be saved, but all will not make those sacrifices which true Religion demands. Hence the preachers of more easy and accommodating doctrines have acquired an alarming degree of popularity, and have withdrawn many from the safe and steady paths of the Church. It falls, therefore, directly within the view we are taking of the present appropriate duties of the Clergy, to state to you briefly, but I hope clearly, the doctrine of Scripture on those questions which have chiefly divided the Preachers of the Gospel. The fairest mode of reviewing the controversy will be to lay before you the opinions of each party.

The Calvinists maintain that God, from the beginning of the world, pre-ordained some of his creatures for everlasting happiness, and doomed others to eternal perdition—irrespectively, without any regard to what they might do. Good works, they say, are not required, of necessity, for final salvation: our doom is appointed independently of them. Regeneration also, or Conversion, is described as being instantaneous and perceptible; conferred, through grace, upon a chosen few, who hence can never fall away finally. These are the elect: the rest are vessels of wrath, fitted for destruction.

Such is Calvinism: a system of faith in no degree, I hope, overstated, but certainly in no degree disguised. He, however, who will compare scripture with scripture, and who will take the Bible into his hand with the sole view of eliciting the truth, will find the Word of God every where plain and practical, every where opposing the dark tenets of Calvin. The examination will convince him, that the elect are they, and they alone, who obey the law of their God. Known, indeed, unto Him are all things, from the beginning to the end of the world. *We* see only a little span before us, and that little, as through a glass, darkly. Whereas the past, the present, and the future are one and the same to our Almighty Creator. With Him a thousand years are as one day, and one day as a thousand years. Such, nevertheless, are the pride and presumption of man, that he aims at being wise, above what is written. Not satisfied with knowing that such things are, we endeavor to ascertain *how* they are so: we strive to pass the sensible boundary of a

world unknown. We give up the freedom of the will, of which every precept in Scripture affords an assurance, and of which our own feelings demonstrate the truth, because we are unable to comprehend how this freedom of volition can be compatible with the prescience of God. The prescience of God! An attribute of the Most High!! a property of that great Incomprehensible, whom the eye hath not seen, neither hath it entered into the heart of man to conceive!! Sufficient light, however, has been afforded, wherever light is required. We are commanded to work out our own salvation, and may therefore be satisfied that the ability to do so is ours. We are assured also that Jesus Christ died for all; that he offered up his life as a propitiation and atonement for the sins of the whole world. The doctrine, therefore, of partial election, and partial reprobation, is at variance with the whole tenor of the revealed Word of God.

Equally erroneous and unscriptural are the opinions entertained by this sect, under whatever title denominated, respecting Justification and Faith. We are justified, or accounted righteous before God, only for the merit of our Lord and Saviour Jesus Christ, by faith; yet still, good works are pleasing and acceptable to God, in Christ. We are required, throughout the whole of the apostolical writings, to add to our faith, virtue. Jesus Christ came down from heaven, not to save us *in* our sins, but from them. Justification, therefore, is through faith alone: final salvation, through faith, with works.

At the first dawn of the Gospel, and at the time of its promulgation by Christ and his Apostles, Faith was a conversion from heathenism to Christianity, a belief in the divinity of the promised Messiah, and in the merits of his propitiatory sacrifice for the forgiveness of sins. But still, they who believed were called upon not to be hearers of the word only, but also doers. Faith then, true Christian Faith, is not mere historic credence, but *practical belief*. It is an operative principle, and is seated not in the understanding alone, but also in the heart. Who (if we may be allowed the comparison) among the sons of men, can feel real love and gratitude towards an earthly parent, without proving the reality and strength of the principle, by his affection and obedience? the one must spring from and accompany the other. So also with respect to our heavenly Master, we cannot be duly impressed with a sense of all that he did and suffered for us; we cannot feel as we ought to do, that he is *our Redeemer, our Saviour, our God*, without evidencing our love by our obedience, without testifying our gratitude by our adoration.

Whilst then, my Reverend Brethren, you inculcate the necessity and efficacy of Faith, explain at the same time, the essential difference between a dead and a living faith: never forgetting to admonish

your hearers, that they must add to their faith holiness, or that they can never hope to see the Lord.

With respect to the influence and mode of operation of the Holy Spirit, we have, on this point, the most express declaration of our blessed Lord himself, and therefore all uncertainty and doubt must be done away. "The wind bloweth where it listeth, and thou hearest the sound thereof, but canst not tell whence it cometh, and whither it goeth; so is every one that is born of the Spirit." Here, as in every other part of the Divine dispensation, we behold the wisdom of God, and the goodness of God. Were man enabled to discriminate between the suggestions of human reason and the action of the Holy Spirit, he would become presumptuous if he *did* sensibly experience a succouring impulse, or he would relax in his endeavours, and despond, if he did not. Our ignorance, therefore, as to the particular agency and effect of a Divine illumination on our minds, becomes the ground of redoubled exertion and hope. For we may at any time fall away from grace given. The term Grace is mentioned 147 times in the Apostolical writings: and after an impartial examination of every passage, we can declare, that in no one does it imply an irresistible or necessitating impulse. We may grow in grace, or we may quench the Spirit. Our whole life is a continued scene of spiritual warfare;—a struggle between temptation and conscience; the law in our members warring against the law of our minds. In the conflict is placed our trial. In the victory will be our reward. Let him then that thinketh he standeth, take heed lest he fall. Assurance ill becomes the fallen sons of men. He who has the least ground for fear, is always found to be the most fearful. He who has done his best, will be most sensible of his own frailties, and will walk most humbly with his God.

Such, my Reverend Brethren, appear to me to be the opposing tenets of Calvin and the scriptures. That opinions so discordant with the word and spirit of Revelation—that doctrines so abhorrent from that justice and benevolence which pervade every part of the Creation—that such tenets should have been the occasion of perverting so many, is a circumstance, which not only excites our surprise, but affords at the same time just cause of admonition and reproof. We see the consequences of earnestness and ardour, though on mistaken principles. What then would these not effectuate, in support of true Religion?—*Fas est et ab hoste doceri.*

Let us therefore, my Reverend Brethren, be distinguished by zeal, but by zeal according to knowledge. A sound faith ought to produce a corresponding line of conduct. The tree should be known by its fruits.

These however, and similar differences in the religious world,

must inevitably injure the cause of our common Christianity. A spirit of mildness and conciliation would do much in allaying the heat which controversy has excited. We have of late approximated nearer to each other. Equally admitting the first truths of Christianity, all lesser discrepancies might surely be removed by a mutual good understanding, and by sincere and friendly explanations. At least let all suspicion, and reproach, and evil-speaking be done away ; and let us bear in mind, that we are brethren—brethren in Christ; created by the same Almighty Father ; redeemed by the same atoning Saviour ; and journeying onward, as we hope and pray, to the same home—the mansions of eternal happiness and glory.

III. Here, my Reverend Brethren, would I willingly have concluded. The subjects which we have hitherto considered, are those which peculiarly demand the attention of the Clergy. Questions however have lately occurred, and will, I fear, again be brought forward, materially affecting the interests of our Church and State. I should therefore be wanting to the occasion, and yourselves, if I omitted to point out that line of conduct which you are now called upon to adopt towards your Roman Catholic Brethren.

An opinion has of late been boldly and industriously circulated, that the Question of Roman Catholic Emancipation is a mere political Question, concerning which the Clergy of our Church are not called upon to form and express their opinion. We do not acquiesce in the assertion. Can we, as citizens, be indifferent to a measure, involving our Liberties, civil and religious ? Ought we, as Christians, to slumber at our post, when those bulwarks are assailed, which protect the good faith and morals of the people ? Surely we, of all men, are required to stand forward, as often as the contest is renewed between Protestantism and Popery, between the Church of England and the Church of Rome ! Surely it is then our bounden duty to defend the Doctrines of our Reformed Religion ; to uphold the truth, as it is in Christ Jesus !

In perfect accordance then, as we think, with every Christian precept, we opposed the claims of the Roman Catholics, because we deemed their tenets to be at variance with the word of God ; and because experience had taught us to expect, that any further conceding of political power, would be to place a weapon in their hands, which might be turned against ourselves.

Let it not however be thought or said, that the Clergy are unfriendly to the sacred principle of Toleration. Religion is the first concern of every immortal being. The intercourse therefore between the creature and his Creator should be free and unrestrained—free as the air we breathe. This is the unalienable, imprescriptible law of our nature. We must obey God rather than man. Religious Toleration, then, should be full and complete ; but political Tola-

tion is of a very different nature and description. Governments are instituted for the general good and happiness of all. Whatever promotes this end, is accordant with the will of God, and therefore obligatory upon man. Now the setting apart a particular class of persons for the instruction of the people, and the propagation of true Religion, is most essential to the peace and well-being of Society. Endless rivalry and contentions would otherwise endanger the stability of every constituted government. Restraint, we acknowledge, is an evil : but it is often a necessary evil ; and must be tolerated when it is productive of a greater good. If the opinions of the Roman Catholics had been merely speculative, we should then have allowed, that exclusion was unnecessary, and therefore unjustifiable. The experience however of all times, the review of the present and the past, afford irrefragable proofs of the contrary. To go back indeed to times of old, to point out from the records of our history, in what manner the Roman Catholics have always oppressed the Protestants, whenever they had the power of doing so—such reasoning and proof might be looked upon as unfair and illiberal. The formal re-establishment, however, of the order of Jesuits in this kingdom, in opposition to the declared opinion and feelings both of the country and its government—the continuance on the statute book of their Church of all those Laws and Canons which have been so long and so justly reprobated by Protestants—an interference with our civil and religious functionaries, in the discharge of their own official duties—and, lastly, a denunciation of hatred towards their opponents, reminding us of the oath of Hannibal at the altar—these, and many other circumstances of the like nature, have reluctantly compelled us to believe, that the Roman Catholic Religion is still, in its letter and spirit, unaltered and unalterable. The liberal views, and the loyal feelings of many of the Roman Catholic gentry, we fully and gladly acknowledge ; but, whilst the Laws of their Church continue as they are, we more than doubt the ability they would have of putting their good wishes into execution. Predominant is the influence of the Roman Catholic Hierarchy. Religion is a moving principle of the heart, and consequently one of the main springs of human action. Hence, spiritual and temporal dominion run imperceptibly into each other, and are separated by almost evanescent boundaries. The power of the Keys necessarily becomes the power of the sword. A foreign interference, therefore, in spiritualities, cannot but occasion all the evils of a divided allegiance.

Among the lower orders, the over-ruling sway of the Priesthood, and the prostration of the human intellect at the altar of fanaticism, were never more strikingly exhibited, than in a late

appalling instance, in the county of Wexford. Aware as they must have been of the mental malady of their Priest, yet still, parents were dead to the instincts of nature, and the cries of their child, calling out to them for help; whilst crowds looked on with apathy, and beheld, unmoved, the quivering limbs of a dying innocent. Are such a people, we may ask, with minds thus enslaved by religious superstition, either qualified for, or capable of enjoying, a greater degree of political power? Alas! the very term Roman Catholic Emancipation is little if at all understood by the great mass of the Irish population. The essential blessings required by them, and which England should labor to confer upon her Sister Isle, are not Emancipation and freedom from restraint; but *Education* and *Employment*.

In such a state of things I cannot but think, my Reverend Brethren, that you acted as became your high character, in giving the tone to public opinion, and by being among the first to petition Parliament against any further concession to the members of the Roman Catholic faith. None surely, from their professional pursuits, or literary leisure, could be more able than yourselves, to form a well-grounded opinion on this important question. But having submitted your sentiments and feelings to the Legislature, you then, I think, had done all which your situation demanded from you. Though we disallow the claims of the Roman Catholics, we would still do so in the spirit of charity and in the bonds of peace. Benevolence in every thought, and word, and deed, is one of the characteristics of the religion of Christ. Far be it from the Ministers of the Gospel to pursue even a Christian object by unjustifiable means. Our legitimate weapons are the breast-plate of righteousness, and the sword of truth. All signing, therefore, of petitions in churches, all notices of, or allusions to, these subjects from the pulpit, are unbecoming the place and yourselves. They tend only to irritate and inflame the public mind. No sounds should be heard within our sacred walls, but those of Christian love, and brotherly conciliation. We quarrel not with the honest opinions of any one: to his own Master he standeth or falleth. But whilst we hold out the right hand of fellowship to our Roman Catholic brethren, we would still firmly maintain our own Protestant Reformed Religion. In defence of her sacred bulwarks we would sacrifice every blessing of life, and life itself.

And here we behold an illustrious example, in the conduct of that eminent Prelate, who, at the period of the Revolution, adorned this See. Reckless of consequences, when Protestantism was endangered, he despised alike the promises and threats of arbitrary power. With the same resignation and calmness that he went to the Tower, he would, at the call of his Religion, have

proceeded to martyrdom and the stake; and the prayers and blessings of the people went along with him. Be it ours to imitate both the moderation and firmness of Bishop Kenn. The same Christian line of conduct will always produce the same good effect.

And whilst we are offering our just meed of praise at the shrine of departed merit, let us not overlook the late honest and manly declaration of a Royal and most illustrious Personage. Whatever differences may exist with respect to other points, yet surely, as Christians, we cannot but have seen, with reverence, the manner in which he regards the sacred obligations of an oath. As Protestants, we cannot but have hailed with delight his devotion to those principles which placed the House of Brunswick on the Throne of these Realms. Long may a good Providence preserve him to the wishes and prayers of a loyal and a grateful people!!

Such, then, my Reverend Brethren, are my sincere and matured opinions respecting the appropriate duties of the Clergy in this our day. Your lot is cast on times of trial. You have, however, one thing alone to look to—the straight-forward path of duty. Then, truly ennobling and godlike is the office to which you have dedicated your lives and ministry. It was the office of the great Saviour of the world. The ties which bind the Pastor to his people are of a sacred and a hallowed nature. The connexion between them begins at their birth, and ends but with their death. Before they know what is done for them, they are initiated by him into the fold of Christ; are thus made the children of God, and may become inheritors of the kingdom of heaven. As their reason expands, his care of them grows with their growth; instructs the child, and forms the future man. From his hands they afterwards receive the tenderest of human connexions, sanctioned by all the ceremonials of Religion. Through life his precepts tell them what they should do; whilst his example shews them how it may be done. And when at length, as all things must, their years are drawing to a close, when the soul is fleeing away to him who gave it, then the Messenger of the Gospel attends with healing on his wings; commemorates with them the last Supper of our Lord, and offers up the dying prayer of penitence and hope. Nor does his mournful office end here: when earth is to be returned to earth, and dust to dust, the Minister accompanies their remains to the last receptacle of all the living, and repeats over them the sublime Service of our Church, in sure and certain hope of the resurrection to eternal life.

Such are the continued offices of the Minister to his people, from their cradle to the grave. There is not a body of men whose labors are so important and so interesting. It might naturally,

therefore, be expected, that they would have no enemy except in the profligate, and the disbeliever; but yet, such are the very men who, in the opinion of some, cannot be too poor—men who may be abused without reason, and plundered without injustice. A wise Government, however, will not desert the Church, whilst the Church remains true to itself. A free Government cannot subsist without Religion, nor Religion without a Clergy. If only, my Reverend Brethren, we take heed to our Ministry, if only we walk worthy of our vocation, we shall never want the support of the wise and good; and, what is beyond all secular considerations, thus acting, we may humbly hope for the favor and protection of Almighty God.

In conclusion, my Reverend Brethren, give me leave to indulge the pleasing office of giving thanks where thanks are due. The kind manner in which I have been welcomed among you, the desire you have hitherto evinced to meet my anxious wishes respecting residence and duty,—these good feelings on your part, have made a deep impression on a mind, not insensible to kindness. I anticipate, therefore, the same mutual good understanding which gladdened the labors of my former Diocese. Your credit, your faithful and effective discharge of your ministerial functions, are the only objects I have had in view in all that I have recommended to you.

With pleasure, then, and with pride, do I look forward to the continuance of my connexion with you. This Diocese has been long distinguished for native loyalty, and for sound constitutional principles in Church and State. May it, by the blessing of Almighty God, be no less distinguished for the promotion and increase of true Religion among us. Of myself indeed, if it be allowed me to speak, I would say, truly but humbly, that it will always be my anxiety and labor to deserve your esteem and support; and deserving, I have no doubt, I shall always attain them.

PROCÈS DU CONSTITUTIONNEL.

Substance du discours de M. DUPIN, adressé à la Cour Royale de Paris, à l'occasion du Procès contre le Constitutionnel, en faveur de l'Accusé.

MESSIEURS, cette réplique inattendue, et je pourrais dire inespérée, du ministère public, prouve, contre son assertion, que le terrain ne se refuse pas à la discussion. M. l'avocat-général m'y invite, au contraire, et m'y ramène lui-même par ses variations. A la première audience, il a cru devoir désertier les doctrines de l'acte d'accusation, pièce fondamentale du procès ; aujourd'hui, se repliant encore sur lui-même, il vient armé d'un nouveau mode de défense. Cette mobilité de l'accusation n'est pas seulement remarquable en ce qu'elle trahit son embarras et ses incertitudes, elle tient aussi à ce genre de délit qui n'a pas de corps, qui s'évapore, qui échappe à l'analyse et à la discussion.

Du reste, on a mal compris et mal qualifié la défense, lorsqu'on a dit que j'avais répondu au procès de tendance intenté au *Constitutionnel* par un procès de tendance contre le clergé catholique. Je croyais avoir à l'avance énergiquement protesté contre une telle interprétation, par cette déclaration si franche, si vraie, si bien sentie, que c'était un catholique qui plaiderait devant vous pour le *Constitutionnel*.

Je m'étais efforcé de remettre sous son véritable point de vue la question que les efforts de l'accusation tendaient à déplacer. Je vous disais, et je répète, qu'il fallait voir la tendance dans le but politique du journal, et non dans quelques faits qu'on avait isolés, tronqués et dénaturés pour pouvoir les incriminer plus facilement. Séparant avec soin la religion de ce qu'on veut couvrir du manteau de la religion, je vous demandais si c'était elle qu'on avait attaquée, en dénonçant des crimes qu'elle condamne, en flétrissant des superstitions qu'elle réprouve, en signalant l'introduction dans l'état, de corporations non autorisées et que nos lois prohibent ; enfin, en

combattant une exagération de principes soi-disant religieux, un ultramontanisme qui menace à la fois l'indépendance de la couronne et les franchises de la nation. Loin d'attaquer la religion, je l'ai défendue, en disant que c'était la compromettre aux yeux des hommes qui ne savent pas séparer les choses les plus respectables de l'abus qu'on en peut faire, que de demander au nom de la religion la suppression de celle de nos libertés à laquelle la nation est le plus attachée et qui forme la garantie de toutes les autres.

Malgré ces déclarations, je devais sans doute m'attendre à être calomnié. On pourra, malgré l'évidence du contraire, m'accuser d'irrégion, d'athéisme même ! Tel a été le sort de ceux qui m'ont précédé dans la carrière que j'ai parcourue devant vous ! Mais qu'importent ces vaines clameurs ? Chaque profession a ses dangers, et c'est une partie de sa gloire que de savoir les braver. En parlant librement, j'ai voulu rehausser l'honneur du barreau, comme vous releverez, par l'énergique indépendance de votre arrêt, l'honneur de la magistrature !

Fidèle à son premier système, M. l'avocat-général s'est efforcé d'établir que les faits énoncés par *le Constitutionnel* étaient faux, toutes les fois qu'il a espéré pouvoir le faire avec quelque succès ; mais aussitôt que la preuve lui échappe, il se rejette sur l'intention, qu'il incrimine à défaut des actes.

Messieurs, je ne puis accepter ce mode de discussion. Attachons-nous toujours aux principes ; on ne saurait les méconnaître sans péril.

Or, il est de principe que toute instruction doit se faire à charge et à décharge ; que toute instruction, pour être légale, doit être ordonnée par la justice, conduite et surveillée par un magistrat ; qu'il faut que cette instruction puisse être contredite par le prévenu. Et cependant, ici tout est l'œuvre de la police et d'une administration impérieuse à l'encontre de fonctionnaires dépendans.

Qu'on ne dise pas que *le Constitutionnel* a produit de son côté des lettres et des certificats. On l'accusait de mauvaise foi ; il a dû prouver qu'au contraire il avait agi de bonne foi, sur les renseignemens fournis par les gens du pays, et souvent par les parties intéressées elles-mêmes. Et du reste, loin de vouloir faire de ces documens des pièces irréfragables, il a été le premier à demander une enquête, devant laquelle le ministère public a reculé.

Il objecte qu'en cas de diffamation, une enquête n'est pas admissible ; cela pourrait être vrai si un particulier intentait au *Constitutionnel* un procès de ce genre ; mais ici il s'agit d'un procès de *tendance* qu'on veut faire résulter de la révélation de faits prétendus calomnieux : il est donc permis, il est même indispensable d'examiner s'ils sont vrais ou faux.

Considérez, toutefois, quel est le désavantage de ma position ! J'ai à combattre une accusation soigneusement préparée, et que je dois supposer avoir été méditée avec maturité. On a pu recueillir de toutes parts des lettres, certificats, attestations, obtenus peut-être par surprise, séductions ou menaces. Le télégraphe lui-même a pu devenir, comme je l'ai dit ailleurs, un officier de police judiciaire. Enfin, tous ces documens recueillis, le ministère public a élaboré une discussion écrite, où a pu briller la pureté du langage et l'élégance des formes. Et moi, dénué de tous ces secours, je suis obligé d'improviser à la hâte une réplique pour laquelle je sens que j'ai besoin de toute votre indulgence.

Mais, dans ce désavantage de position, je trouve une compensation qui est toute en faveur de ma cause : c'est que je puis à l'instant réfuter victorieusement l'accusation ; et, sans autre préparation que le temps de classer mes pièces, pendant que je recueillais les paroles de M. l'avocat-général, je me trouve en mesure de lui présenter, en fait comme en droit, une réponse précise, et qui, je crois, vous paraîtra péremptoire.

Venons aux différens faits :

On vient de citer une lettre que M. le curé de Fécamp a eu la charité d'écrire au ministère public pour l'armer lui-même contre le *Constitutionnel*. Vous mettez en balance la lettre d'une partie intéressée, avec le certificat que je vous ai déjà fait connaître, certificat signé de douze notables du pays, parmi lesquels se trouvent un ancien adjudant-général, un conseiller municipal, un juge au tribunal de commerce, un chirurgien, un manufacturier, etc. Vous pèserez ces témoignages, et vous verrez si un journal est coupable de malveillance, lorsque sa véracité est appuyée sur de pareilles garanties.

Passons à un autre fait, celui des *boîtes d'artifice* de Saint-Nicolas. Un certificat produit par M. l'avocat-général, et signé par seize notables de Saint-Nicolas, atteste que ce n'est pas derrière l'autel que les boîtes ont été tirées. C'est ici qu'est la caption. Le lieu n'est qu'un accident, une circonstance indifférente ; le fait principal, c'est le bruit, c'est l'explosion arrivant aux oreilles des assistans, et jetant l'épouvante parmi eux. Voilà ce qu'on a appelé de la fantasmagorie ; voilà ce qu'on a blâmé comme un moyen humain et dramatique, qui ne devrait pas être mis en usage pour appuyer la prédication de l'Évangile.

A la question de savoir si ces boîtes ont été tirées, on répond subtilement qu'on n'a pas tiré de boîtes derrière l'autel. Non sans doute ; mais on a tiré ailleurs, on en a tiré derrière une muraille adossée au chœur de l'église. Vous vous rappelez, à cet égard, le certificat de cet honnête notaire qui a cédé à la voix de sa con-

science, en expliquant les faits, dans la crainte qu'on n'abusât de sa signature.

Mais ce n'est pas tout. *Le Constitutionnel* a fait faire des sommations extrajudiciaires pour obtenir des documens certains sur cette partie de la cause. Ces sommations ont été faites aux autorités locales des communes parcourues par les missionnaires. Voici d'abord comment les questions ont été posées ; vous n'y verrez rien de subtile ni de captieux.

“ Le requérant, désirant prouver à la justice la vérité de certains faits avancés dans *le Constitutionnel* à l'occasion des missions qui ont eu lieu dans différentes communes, et notamment dans celles de l'arrondissement de Toul, où la mission a eu lieu sur la fin de l'année 1824 et au commencement de 1825, a cru devoir prendre le parti de s'adresser aux autorités locales des mêmes communes. C'est pourquoi j'ai sommé ledit sieur maire, de me déclarer s'il est de sa connaissance personnelle, ou s'il a appris par la notoriété publique, que, lors des exercices des missions qui ont eu lieu dans ladite commune, au moment du *pardon général* ou de *l'annonce du jugement dernier*, des boîtes, pétards, ou décharges de mousqueterie n'ont pas produit de violentes détonations à la porte, derrière le chœur des églises, ou dans des lieux très-rapprochés ; si ces mêmes détonations, n'ont pas donné l'épouvante à certains individus qui assistaient à ces cérémonies, à tel point que les uns sont tombés en faiblesse, que d'autres ont éprouvé des secousses si violentes que leur santé en a été altérée ; si, lors de l'exercice de ces mêmes missions, on n'a pas donné des instructions au milieu des tombeaux, si, pendant la nuit, on n'a pas figuré une tête de mort avec une citrouille percée, dans laquelle était une chandelle allumée, et si cette apparition inattendue n'a pas frappé les imaginations et porté l'épouvante dans les esprits, et tels autres faits capables de déranger des têtes faibles.”

Voilà les questions. Voici maintenant les réponses :

“ M. le maire de Lucey a dit que, pendant les célébrations qui se faisaient par les missionnaires, on a tiré dans la soirée, au commencement de la nuit, plusieurs coups, soit de boîtes, de fusil ou de pistolet, ne sachant pas le sieur maire de quels instrumens on s'est servi pour causer ces détonations ; que ces coups, quoique faisant un gros bruit, n'ont fait impression sur personne, et qu'aucun individu frappé de terreur, n'a été incommodé ni troublé ; ces coups ont été tirés dans le voisinage de l'église. Il ajoute que les missionnaires ont prêché dans le cimetière, qu'on y a placé une citrouille percée à jour, avec une chandelle allumée pour figurer une tête de mort ; mais qu'il ne sait point quel est celui qui l'a placée sur les fosses, et qu'elle n'a causé aucune frayeur aux assistans qui étaient en grand nombre, et a déclaré n'avoir aucun autre renseignement à donner, ayant dit tout ce qui était de sa connaissance. Laquelle déclaration il a signée en visant le présent original ; et afin qu'il n'en ignore, je lui ai délivré copie du présent exploit. Le coût est de 7 fr. 53 cent.

F. CHRETIEN.”

A ces mêmes questions, voici ce qu'a répondu l'adjoint de la commune de Meuillot :

“ Le sieur Paul Etienne, adjoint du maire, absent pour quelques jours, après avoir pris lecture de tout ce que dessus, a dit que les missionnaires ont

dit la messe dans l'église de Meuillot, seulement le dimanche; qu'ils y ont prêché sans faire de bruit extraordinaire; mais qu'il a entendu dire par plusieurs personnes que dans la célébration de leurs cérémonies religieuses, dans celle de la commune de Choley, ils ont eux-mêmes (les missionnaires) tiré des coups de fusil ou de pistolet; mais il ignore si ces coups ont fait une impression dans l'ame des assistans, parce que ledit sieur adjoint n'a assisté à aucun office qui a eu lieu dans la paroisse de Choley. Quant aux autres questions proposées, il n'a aucune connaissance des faits qui y sont articulés; et a, ledit sieur adjoint, signé sa réponse, en visant le présent original, après qu'il a pris lecture de tout son contenu. Et afin qu'il n'en ignore, je lui ai, parlant comme dit est, donné et laissé copie du présent exploit, dont le coût est de 8 fr. 53 c.

ETIENNE."

Enfin, Messieurs, voici les réponses faites par un autre maire, celui de la commune de Foug :

" Monsieur le maire de Foug, à la question de savoir s'il est de sa connaissance que lors de la mission qui a eu lieu dans ladite commune, on a tiré des boîtes, des coups de fusil ou de pistolet autour de l'église pendant un des exercices pieux qui s'y faisaient, et si lesdites explosions ont effrayé et causé des accidens aux personnes qui y étaient réunies, répond que se trouvant à l'église pendant une des cérémonies qu'y ont faites les missionnaires, le concours des fidèles étant extrêmement nombreux, il a entendu autour de l'église et sous les fenêtres de cet édifice quantité de détonations qui lui ont paru être des coups de fusil ou de pistolet; que ces détonations se faisaient si près des fenêtres, qu'on en voyait le feu depuis l'intérieur du sanctuaire; qu'à cet instant on entendit des cris et des gémissemens qui annonçaient la plus grande terreur parmi les assistans, et qu'il a appris depuis que plusieurs femmes s'étaient évanouies dans ce moment et avaient été transportées hors de l'église sans connaissance. Il citera entr'autres l'épouse du sieur Louis Rollier-Vanuver et celle du sieur Maugin Créancier-Thirion, tous deux habitans de Foug, qui (lui a-t-on assuré) ont éprouvé ces accidens par l'effet de la frayeur dont elles ont été saisies. Que quant aux autres questions, il ne connaît pas les faits qui s'y rattachent. Et a mondit sieur signé sa réponse, après qu'il a pris lecture de tout le contenu ci-dessus et d'autre part.

CLEMENT."

Ainsi, Messieurs, voilà un fait positivement établi par tous les témoignages, et qui n'est révoqué en doute par le ministère public que sur le fondement d'un certificat qui, loin de le démentir d'une manière absolue a recours à de subtiles restrictions. Je crois avoir répondu sur ce point de manière à édifier la religion de la cour.

Abordons les miracles : On a prétendu qu'il n'en avait pas été parlé dans l'acte d'accusation : Pardonnez-moi. Il en a même été parlé en termes qui ont excité des réclamations parmi les fidèles. Vous vous rappelez en effet le passage du réquisitoire, où il est dit que les miracles sont des articles de foi. Certes, Messieurs, de ce nombre ne peuvent pas être ces prétendus miracles

arrivés en 1824 et 1825 ; et tels sont ceux signalés par *le Constitutionnel*.

M. l'avocat-général nous dit de déposer au greffe les lithographies que nous avons dénoncées, et qu'on en poursuivra les auteurs. Eh bien ! Soit. Nous déposerons ; on poursuivra ; ils seront condamnés, sans doute, et alors qu'en résultera-t-il ? que *le Constitutionnel* aura rendu un grand service en les signalant. Faut-il pour cela et dès à présent, le poursuivre en tendance et le suspendre ?

Pourquoi *le Constitutionnel* a-t-il signalé ces lithographies ? Parce qu'il a vu que l'autorité les tolérait : car elles se vendent, elles se distribuent sans obstacle sous les yeux mêmes de ses agens ; et ceux qui les impriment ont même presque tous, comme je l'ai dit, le titre d'imprimeurs du Roi et de clergé. Cette même police, qui ne laisse pas passer un grenadier avec une moustache de travers, ne s'oppose nullement à la propagation de ces sortes de lithographies.

Ce ne sont pas, dit-on, les missionnaires qui les vendent, mais des escrocs à la suite, des marchands qui s'installent sur les parvis du temple. Soit. Mais alors, dirai-je aux missionnaires, prêchez donc contre l'étalage de ces images, prémunissez les fidèles contre les escroqueries qui s'attachent à vos prédications. Prenez vous-mêmes un fouet en main, et, à l'exemple de votre divin maître, chassez les pervers qui osent spéculer sur la crédulité du peuple.

Mais, au contraire, tout cela se fait impunément, et cependant tout est public, tout est lu, tout est vu, tout est connu, et rien n'est poursuivi. Bien plus, un journal dénonce ces abus, et au lieu d'en poursuivre les auteurs, c'est le journal même qu'on poursuit ! c'est à lui qu'on fait un procès de tendance !

Examinons les faits relatifs aux Pays-Bas. Je l'avoue, j'ai d'abord éprouvé quelque frayeur lorsque M. l'avocat général a annoncé qu'il avait en main la lettre d'un ministre : j'ai cru qu'il s'agissait du ministre des affaires étrangères de la Belgique. J'en aurais conclu que ce ministre n'avait pas pris des renseignements suffisans, et qu'il en était de lui comme de nos ministres, qui souvent ne savent pas tout, et qui quelquefois cachent ce qu'ils savent, quand leur politique leur commande d'être muets. Mais je vois qu'il ne s'agit que de la lettre du ministre du Roi de France près de la cour des Pays-Bas. J'honore sans doute son caractère et sa véracité ; toutefois je n'attache pas grande importance au récit de sa conversation avec un gouverneur. J'ai cité l'*Oracle* de Bruxelles, qui déclare dans une lettre écrite des lieux mêmes, que les faits dont il est question dans le journal français sont de notoriété

publique. (Ce sont ses propres expressions.) J'ai, en outre, une pièce juridique, dans laquelle il est déclaré ce qui suit.

“ Que, chargé de M. l'éditeur du *Constitutionnel* de Paris, de recueillir des preuves sur la vérité d'un fait consigné dans une lettre datée de Tournay, du 14 Mai 1825, et insérée dans ce journal le 18 du même mois, ledit maître Catoir s'est transporté à cet effet, le 29 du mois d'Octobre dernier, à dix heures du matin, en la commune de Paturages, chef lieu de canton, arrondissement de Mons, province de Hainault ; que s'étant en conséquence adressé à M. Jamotte, juge de paix dudit canton, il apprit de ce magistrat que l'individu de l'exorcisme duquel il est question dans la lettre ci plus haut mentionnée, insérée dans le *Constitutionnel*, se nomme Hainault, qu'il est domicilié à Blaregnies, commune dudit canton de Paturages, et que les faits sont tels qu'ils ont été signalés dans le temps aux autorités supérieures. De laquelle déclaration faite par ledit comparant, j'ai dressé le présent acte pour lui servir et valoir là, et ainsi qu'il appartiendra.

BOURGOGNE.”

Ainsi, Messieurs, vous le voyez, sur ce point encore je suis plus riche en documens que le ministère public.

Vient ensuite le boucher de Rome. Il y a peut-être ici une circonstance inexacte. Ce boucher a été condamné, mais n'aurait pas été exposé ni flétri. Quoi qu'il en soit, le fait, au fond, reste toujours vrai. D'ailleurs, il y a eu bonne foi de la part du *Constitutionnel*, car il ne l'a publié que d'après une gazette allemande censurée. Vous connaissez le motif de cette publication. Le journal a voulu, en rapprochant cette condamnation de celle du tribunal de Céret, signaler les progrès de l'ultramontanisme en France.

Quant à l'affaire de Lyon, je n'ai pas de documens particuliers sur le fait qui se serait passé dans l'église ; mais il résulte du certificat même fourni par MM. les vicaires-généraux à M. l'avocat-général, que le fait principal est constant, c'est-à-dire que la jeune fille a été convertie en l'absence de ses parens.

Et ici je serai observer, Messieurs, que dans une cause qui s'agit au nom de la religion, la charité chrétienne devrait jouir son rôle ; on devrait s'attacher à imiter ce doux et tendre langage du vénérable archevêque de Paris, de ce prélat qui ne fournit pas des pièces pour faire condamner, qui se borne à émettre ses opinions avec un accent apostolique et persuasif. Voilà l'exemple que le *Constitutionnel* n'a cessé d'offrir pour modèle à tous les autres prélats ; voilà les principes qu'il a loués partout où il les a rencontrés ; et si cet exemple avait eu plus d'imitateurs, au lieu de trente-quatre articles incriminés, vous auriez trouvé dans le *Constitutionnel* trente-quatre articles d'éloge de plus en faveur du clergé, à ajouter aux vingt-cinq que je vous ai déjà fait connaître.

Mais ici ce sont des prélats qui viennent au secours du ministère public, qui font en quelque sorte l'office de témoins ; et songez-y,

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Messieurs, ces prélats sont très-près des montagnes qui nous séparent de Rome.

[M. Dupin discute ensuite les faits relatifs à l'affaire de Nérac. Il s'étonne que le ministère public ait pu insister sur ces faits, désormais si bien éclaircis.]

Je ne puis comprendre, ajoute-t-il, comment il a pu arriver que le ministère public ait annoncé que *le Constitutionnel* n'avait pas voulu insérer la lettre de réclamation qui lui avait été adressée à cet égard. Une seule circonstance peut expliquer cette inadvertence. Je sais, par expérience, pour l'avoir vu une fois dans une affaire notable, que le cahier incriminé est envoyé par le ministère de l'intérieur, ce qui n'empêche pas sans doute le ministère public de l'apprécier avec toute son indépendance ; mais enfin

[M. de Boë, interrompant.—Je dois déclarer, au nom du ministère public, que l'allégation est fausse.]

Eh bien ! alors, reprend M. Dupin, si le ministère public a lu réellement tout le journal, rien n'explique comment il a pu sciemment faire abstraction d'un article qui s'y trouvait. Je lui laisse le choix.

Passons à *l'Examen de conscience* : C'est, a-t-on dit, une édition de 1804. J'ai déjà refuté cette objection. Mais aujourd'hui j'arrive avec de nouveaux documens. A ce moment, il est vrai, j'en étais réduit à une édition de 1804, approuvée en 1818. Je savais bien qu'il en existait une de 1824, dont tous les exemplaires avaient été, depuis l'article du *Constitutionnel*, retirés avec beaucoup de soin. Avant-hier même, j'en ai reçu de Lyon par la poste deux exemplaires (les voilà) qui portent le millésime 1814, et qui sont, comme vous le voyez, bien froissés, bien fatigués, ce qui prouve qu'ils ont été beaucoup lus. J'ajouterai même qu'il y en a eu en 1824 deux éditions, l'une dans le format in-12°, et l'autre petit in-12°. Je n'en ai donc point imposé à la cour ; je marche toujours les pièces en main.

Je saisis cette occasion, Messieurs, pour faire sentir la nécessité de réprimer, au moyen des journaux, les écarts d'un zèle dangereux, lorsqu'une force invisible, qui se jette à travers tout comme des troupes irrégulières au travers d'une armée disciplinée, menace de porter le désordre et le trouble dans la société. C'est alors, je le répète, aux journaux à faire la police et à appeler sur de pareils abus l'attention des magistrats.

Maintenant, que le ministère public, s'il le veut, demande aussi le dépôt au greffe de cet ouvrage que nous lui signalons ; il en est le maître.

Quant au curé de Carville, *le Constitutionnel*, vous le savez, s'est borné à dire que le procès avait été instruit à huis-clos, et

que les détails étaient tels qu'il ne pouvait pas les rapporter. Eh bien ! Messieurs, comparez cette légère induction avec la lettre que je lis dans le *Journal des Débats* d'avant-hier. On y voit que M. Caron, parent du curé d'*Incarville*, prie le public de distinguer soigneusement ce dernier, *qui n'a jamais eu de difficultés avec ses paroissiens*, et qui est du diocèse d'Evreux, de celui de *Carville*, qui est du diocèse de Rouen. Voilà la distinction qu'on réclame malgré l'arrêt rendu par la cour royale de Rouen.

[Après avoir répondu au fait relatif à la commune de Versoix, et à celui des lithographies de Mingrat, l'avocat passe à ceux concernant l'enseignement mutuel.]

Ici, Messieurs, dit M. Dupin, les reproches sont graves, ils sont nombreux. Mais j'arrive devant vous armé de preuves *irréfragables*. Cet énorme dossier n'est que la moitié de celui qui a été mis à ma disposition ; mais il en contient assez pour vous convaincre.

On reproche au *Constitutionnel* d'avoir dit que des prêtres refusaient les sacrements et les secours de la charité aux eufans qui suivent les écoles d'enseignement mutuel et à leurs parens. Je vais faire passer rapidement sous vos yeux des pièces qui prouvent la vérité de ces faits.

Et d'abord, écoutez cette lettre écrite par M. le préfet du Pas-de-Calais, à MM. les membres du conseil d'administration pour l'instruction élémentaire :

“ Je sais que cette école, qui mérite protection et encouragement, est attaquée par le comité cantonal auprès de M. le recteur de l'académie de Douai, et même auprès du grand maître de l'Université. Les reproches que le comité adresse à l'école, n'étant pas fondés, il est hors de doute que son attaque sera repoussée. Je n'ai cependant aucune connaissance officielle des plaintes du comité cantonal, et je vous donne l'assurance, Messieurs, que je ferai toujours ce qui dépendra de moi dans l'intérêt de cette école, tant qu'elle m'en paraîtra digne.

SIMEON.”

Voici le passage d'une autre lettre écrite encore par un préfet, par M. le préfet du département de la Drôme :

“ Les écoles d'enseignement mutuel établies dans la Drôme se soutiennent ; mais elles acquièrent peu de prospérité, à cause de la défaveur et des préventions qu'on cherche à répandre contre elles. Sans doute l'excellence de la méthode triomphera à la longue de tous les obstacles qu'elle rencontre.”

Dans une troisième lettre, écrite par M. le préfet des Côtes-du-Nord, député de la Loire Inférieure, on lit ce passage remarquable :

“ Cependant, Messieurs, les bienfaits de la propagation de l'enseignement

mutuel ne doivent point s'acheter par des dissensions qui troubleraient la tranquillité du département dont l'administration m'est confiée, ce serait mal connaître et remplir les vues du gouvernement. Vous êtes instruits des obstacles qu'y met continuellement un zèle de religion mal-entendu. M. de la Mennais, grand-vicaire et vicaire-général capitulaire du diocèse de Saint-Brieuc, m'a dit à moi-même qu'il ne cesserait jamais de s'opposer à la propagation de cette méthode; quelques mots d'une circulaire, où je cherchais à encourager l'établissement, l'ayant choqué, *il devait prêcher contre l'enseignement mutuel et moi*, le dimanche qui a suivi celui de Pâques; c'est de lui que *je l'ai su*, et il a même eu la charité apostolique de *me débiter une partie de ce sermon*. Je n'ai été, à la vérité, ni converti, ni effrayé; mais je n'en ai pas moins senti qu'avec un ecclésiastique très-spirituel, très-accrédité et facile à se porter à de tels excès, je ne devais employer que des mesures suivies avec persévérance et prudence."

Vous l'entendez, Messieurs ! et c'est un préfet qui parle ainsi !

Voici maintenant une lettre dans laquelle vous trouverez un renseignement topique, puisqu'elle est écrite par un recteur :

"Le seul reproche grave que j'aie entendu faire à l'école de Marseille, est que les exercices religieux y étaient négligés ; 'trois prêtres ont même assuré un de mes inspecteurs qu'ils prescriraient aux enfans qui viendraient se confesser à eux, de ne plus suivre cette école.' Telle est même l'opinion générale du clergé de cette ville : il paraît persister plus que jamais dans ses préventions contre l'enseignement mutuel, et vous savez mieux que moi qu'il est bien rare que les préventions ne soient pas injustes. Au reste, rien ne sera négligé pour qu'un pareil reproche ne puisse plus être renouvelé avec justice."

Ajoutez à cela qu'une colonie des frères ignorantins est arrivée à Marseille ; qu'on a dépensé environ 40,000 fr. pour leur créer un local favorable, et qu'on fait une *affaire de parti* de la prospérité de cette nouvelle école, *dans l'espoir qu'elle anéantira celle de l'enseignement mutuel*, tandis que *l'intérêt public* exigerait de favoriser également deux écoles rivales, parce que la louable émulation qui s'établirait entr'elles ne pourrait que faciliter les progrès de l'instruction primaire.

Je termine, Messieurs, par la lettre suivante qu'écrivit le père d'un enfant à M. l'instituteur primaire de Saint Front :

"Je suis bien fâché d'être obligé de retirer mon petit de votre école, vu que M. notre curé lui a dit que s'il ne vous quittait pas, il ne lui donnerait pas l'absolution et à aucuns de la maison. Il lui a dit qu'il fallait aller à l'école de la sœur de notre bourg. C'est pourquoi je me vois forcé, quoiqu'à regret, de vous l'ôter, étant satisfait du temps qu'il a été chez vous ; si je ne le fais pas, il ne fera pas sa communion."

Eh ! bien, Messieurs, je le demande, reprend M. Dupin, les faits sont-ils vrais ? Et s'ils sont vrais, quelle est la conséquence qu'il faut en tirer ? Est-ce par haine contre la religion ou contre le clergé catholique qu'on les a publiés ? N'est-ce pas plutôt pour déplorer une erreur fatale à la nation française, quand nous voyons

s'efforcer de nous rejeter dans la barbarie, une classe d'hommes successeurs de ceux qui ont civilisé les Goths, les Bourguignons, les Vandales même. Tandis que dans cette Russie, qui paraît peser sur l'Europe autant par ses injonctions que par ses armées, on cherche à faire pencher la civilisation dans des hordes barbares, formées en colonies, ces hommes se font un système d'arrêter chez nous les progrès de l'enseignement et des lumières, et veulent traiter la France comme l'apostat Julien traitait les chrétiens de son temps, afin que restant stationnaires au milieu de la civilisation qui s'avance, nous devenions un objet de honte et de mépris. Ce système, Messieurs, cache d'autres projets qu'il faut savoir pénétrer.

On ne veut ainsi tenir le peuple dans l'ignorance que pour favoriser la propagation des doctrines ultramontaines, pour détruire les libertés de l'église gallicane. C'est contre ces projets que nous nous soulevons ; c'est pour ces libertés qu'a combattu le *Constitutionnel*. Voilà tout le procès.

J'ai en ce moment entre les mains un petit livre qui vous prouvera jusqu'à quel point on pousse l'ignorance dans l'espoir de la propager. Il est intitulé : *Trépassement de la vierge Marie*. On y lit les deux vers suivans :

“ Les pierres se fendirent et la terre trembla,
Le soleil s'obscurcit : ”

Certes, Messieurs, dit M. Dupin, en s'interrompant, personne ici ne me soufflera la fin du vers. La voici :

“ la lune s'obscurça. ” (Eclats de rire.)

Si l'on se bornait à publier de pareilles inepties, il faudrait plaindre l'ignorance de leurs auteurs ; cela ne serait que ridicule.

Quelque déplorable qu'il soit de voir qu'on ne veut pas même parler français à des Français, cela serait peu de chose ; il n'y aurait que des fautes de langue ; mais c'est à l'aide de l'ignorance ainsi entretenue, que l'on répand et que l'on accrédite chez le peuple les doctrines les plus dangereuses, les plus autipathiques avec le véritable esprit de la religion.

Ainsi, dans un alphabet des ignorants, imprimé à Lyon chez Mistral ; dans un livre destiné à la première enfance, on falsifie les commandemens de l'église, et, au lieu de préparer les esprits à l'observation des lois, et de disposer les cœurs à l'indulgence et à la charité, qui fait le fond de la doctrine évangélique, voici ce qu'on y lit :

“ Payant les dîmes justement,
Les excommuniés tu fuiras,
Les dénoncés expressément. ”

Ainsi la haine, à la place du pardon des injures, la fuite simple pour les *excommuniés* ; et pour les simples *dénoncés*, recommandation *plus expresse*.

Voilà comment on dispose l'enfance ; et quant aux hommes faits, il est utile aussi de les tenir dans l'ignorance pour les fanatiser, pour leur faire croire aux miracles que je vous ai signalés. Alors on dispose d'eux comme on veut ; on les enrégimente dans les congrégations, on les organise sous le commandement de dixainiers et de centeniers. Ils ont leurs statuts, leur caisse, leurs signes de ralliement ; tout cela sans loi, sans ordonnance, et au mépris de l'autorité publique, dont on se passe ou que l'on brave impunément.

Et quelles sont les doctrines que l'on prêche à des hommes ainsi disposés ?

Vous allez en juger, Messieurs, puisque c'est au barreau qu'est réservé l'honneur de vous le dénoncer dans l'intérêt de la société.

Messieurs, à votre dernière audience je vous ai cité quelques passages du *Catéchisme dit du sens commun*, et vous m'avez paru en être frappés ; mais, depuis, ont encore paru divers écrits dont on veut faire des auxiliaires du procès : on n'est pas réduit à chercher long-temps leur *tendance* ; les assertions en sont positives et n'offrent nulle équivoque dans la pensée ni dans l'expression. Vous allez en juger.

Le Mémorial Catholique vient de faire paraître son numéro de Novembre ; il attaque ouvertement la déclaration de 1682, qu'il appelle avec ironie *la charte de 1682*. Ceux qui la défendent sont des Jansénistes ; il leur donne même le nom de Protestans, parce que, dit-il, cela aboutit toujours au *prétendu droit de fixer des limites à la souveraineté spirituelle*, qui, suivant la doctrine du *Mémorial*, s'étend à tout et n'admet aucune limitation.

A ce numéro était jointe cette fois une petite brochure du même format, que je dois vous faire connaître. Elle a pour titre : *Lettre de Satan aux francs-maçons, suivie d'une réponse à Satan*, sans nom d'auteur, mais de l'imprimerie de Lachevardière, imprimeur du *Mémorial*, rue du Colombier, n. 30.

Dans cette lettre, et dès la première page, Satan dit, en parlant de nous tous :

“ Je puis le dire, les Français sont à moi : leurs *codes* et leurs *lois*, leur politique et leurs *institutions* ; tout porte l'empreinte de mon sceau, et mon ennemi n'a plus la gloire de rien sanctionner.

Signé, SATAN.”

Le reste n'est que de développement.

Mais quelqu'un va lui répondre, et c'est un ultramontain :

Page 39. Le correspondant de Satan se demande :

"Que deviendra cette France, jadis si digne des éloges de l'univers, si l'on persiste à permettre *par un droit légal*, (Art. 5 de la charte,) aux uns d'adorer Jésus Christ, aux autres de le blasphémer? Quel est le dessein caché d'une *législation* qui autorise également les Français à être Catholiques, Juifs, Luthériens, Calvinistes? N'est-ce pas de leur inoculer *l'athéisme*, en leur donnant à entendre, *par la loi même qui les régit*, que toutes les religions sont bonnes, ou plutôt qu'il n'en existe pas de véritable? C'est apparemment depuis que tu as introduit ce *chef-d'œuvre d'impiété* (Art. 5 de la charte) dans notre patrie, que tu dis, d'un air triomphant: les Français sont à moi; leurs codes, leurs lois, leur politique et leurs institutions; tout porte l'empreinte de mon sceau, etc."

L'anti-satan ne s'en tient pas là: il attaque l'université, et tout le système actuel d'enseignement. Page 28 :

"La plupart des maisons d'éducation sont comme de vastes *repaires* où le démon entasse la génération naissante pour se la faire offrir en sacrifice. C'est là que les enfans, etc. etc."

Quel serait donc le remède possible à tant de maux? Ah! Messieurs, le voici :

Satan, "tu manifestes une joie maligne à la vue du Roi *qui craint d'affaiblir son empire* et de réprimer ton insolence, parce qu'on lui a dit que *la loi* ne doit pas s'embarrasser des affaires que tu as à démêler avec le ciel; mais que le Roi dise, du fond de son cœur, ce seul mot: Seigneur, sauvez-moi, et sauvez mon peuple! Aussitôt, Dieu lui répondra: Je t'ai donné mon *glaive*, *rappe!* et tous les méchans tomberont devant toi, et tout l'enfer se taira en ta présence." Exclamation générale: Oh !)

Vous verrez le passage, Messieurs, il est textuel, je l'ai marqué dans le livre, *au crayon rouge, avec deux croix de Lorraine*. (Mouvement.)

Rappelez-vous maintenant des organisations, des congrégations diverses, et puis relisez notre histoire; songez comment a commencé la ligue, qui avait aussi ses dizaines et ses centuries; ses processions qui le lendemain sont des revues, et à l'aide desquelles on fait ensuite *une journée!* . . . et voyez si le présent n'est pas gros de l'avenir, si l'état enfin n'est pas menacé! (Mouvements très-prononcés et vive sensation.)

Mais passons à un autre écrit :

Il est encore de Lyon, sur la frontière, où les communications avec les ultramontains qui nous bordent, s'entretiennent avec plus de facilité. Cet écrit, à en juger par le nom de l'auteur, est d'un étranger; il est signé J. W. Wutz, *vicaire de Saint-Nizier, à Lyon*. Il est en forme de lettre adressée à M. de la Mennais; vous allez

voir comment l'auteur y parle de la déclaration de 1682, ce *palladium* de la France. . .

[M. le premier président.—Je dois vous prévenir que la cour devait s'assembler Mardi pour s'occuper de cet écrit; mais M. le procureur-général a déclaré qu'il se proposait de déférer cet écrit à la cour la semaine prochaine.]

M. Dupin.—A la bonne heure donc ! *Le Constitutionnel* aura du moins rendu ce service; et si l'auteur dit qu'il vous fera voir ce que c'est qu'un prêtre, on verra donc enfin ce que c'est aussi qu'un procureur-général ! (Vive sensation).

Elles sont, Messieurs, les doctrines que *le Constitutionnel* n'a cessé de signaler et de combattre avec une persévérance dont on essaie en vain de lui faire un délit. Il est évident qu'elles menacent à la fois l'indépendance de la monarchie, puisqu'on proclame la suprématie sans limites d'un souverain étranger; la souveraineté du Roi, puisqu'on s'autorise de cette suzeraineté étrangère pour refuser obéissance aux lois de l'état, et leur jurer une haine éternelle; enfin, les libertés publiques, qui reposent en cette matière sur les libertés de l'église gallicane et la déclaration de 1682.

Voilà, Messieurs, les objets sacrés que vous avez à défendre par votre arrêt; car la France n'espère pas seulement de vous que vous rejetterez une vaine accusation de tendance, mais elle attend une consolation de vos motifs; ils lui révéleront avec quelle fermeté vous êtes décidés à préserver l'état.

Hélas ! Messieurs, comment, quand les orateurs périssent, imposerait-on encore silence aux écrivains ? Quand la tribune est veuve, comment voudrait-on encore faire taire la presse ? Si jusqu'ici vous aviez pu douter un seul instant du besoin qu'a la société du secours indispensable de la presse pour se maintenir contre tant d'aggressions, pourriez-vous balancer aujourd'hui que l'impitoyable mort, triste auxiliaire des ennemis de nos libertés, vient de jeter la France entière dans le deuil, en la privant d'un de ses plus énergiques défenseurs, de ce brillant orateur dont l'éloquence chevaleresque rappelait, dans ses tournures libres et fières, l'air martial des combats ? Il a vécu dans la disgrâce du pouvoir, mais en possession de la plus haute faveur auprès d'une nation qui admirait en lui un talent qui ne rencontra point d'égal, une réputation sans tache, un caractère incorruptible, un patriotisme éprouvé dans la paix comme dans la guerre ! La grandeur de son âme se trouve révélée dans ce genre de supplice tout nouveau que sa parole législative inventa pour punir la vanité ministérielle, en la condamnant à jeter les yeux sur les statues de nos grands hommes ! Modeste possesseur d'une gloire qu'il sut rendre immortelle, ses rayons resplendiront sur sa postérité la plus reculée ! Elle fera le

douaire de sa veuve et la première dot de ses jeunes enfans ! Quels regrets unanimes n'a-t-il pas excités ?

Quelles funérailles ! quels obsèques ! En voyant l'affluence, l'ordre et le sentiment de décence autant que de douleur qui régnait dans toute cette population, on aurait pu dire ces paroles de l'écriture : Voilà un peuple sage et intelligent, une grande nation ! (*En populus sapiens et intelligens, gens magna !*)

Quel encouragement, Messieurs, pour tous ceux qui, à son exemple, et comme vous y êtes appelés, sauront défendre et protéger les libertés et les justes droits d'une nation aimante et reconnaissante au-delà du tombeau !

A
LETTER

TO THE

RIGHT HONORABLE ROBERT PEEL,
SECRETARY OF STATE FOR THE HOME DEPARTMENT,
&c. &c. &c.

ON

THE PRESENT STATE OF THE LAW

WITH RESPECT TO

ASSAULTS.

LONDON :—1826.

A LETTER,

&c. &c.

SIR,

As the high office which you hold places the whole Police of the kingdom under your superintendence, I take the liberty of requesting your attention to what appears to me to be a serious imperfection in that Police ;—I mean the present state of the law with respect to Assaults.

It is the boast of the English Constitution, that it gives protection of person and property equally to all, to the poor as well as to the rich. This may be true in *theory* ; but it seems to me that in *practice*, the persons of the poor in the *generality* of cases—and indeed the persons even of the rich in very many—derive from the law no protection whatever ;—no protection at least from injuries, which do not extend to the loss of life or limb.

I shall perhaps make my meaning more clear by giving a particular instance.

I will suppose, then, that a poor laborer, for some imaginary provocation, is severely beaten by a man considerably superior to him in length of purse as well as in bodily prowess. I will suppose this assault to be committed in the northern part of Wiltshire. I name this county in particular, because, from local circumstances, it is calculated to place the evil which I wish to see remedied in a strong point of view. The poor man,—who has a wife and family, and whose wages at this time of the year are eight shillings per week,—goes for redress to the Petty Sessions of the Division in which he resides, a distance of six or seven miles. He states his complaint and obtains a warrant, for which he pays two shillings. He delivers the warrant to the constable, and attends again at the next Petty Sessions, when, in the presence of both parties, the case is gone into. The Magistrates, upon hearing the evidence, are satisfied that a gross and wanton assault has been committed, and advise the aggressor to

"*speak with the prosecutor*;" in other words, to make up the quarrel by the payment of some trifling remuneration for the loss of time and other expenses. The assailant, in all the pride of wealth, indignantly refuses, and nothing remains but to bind over both parties to the Quarter Sessions, one to prosecute, the other to be prosecuted. The poor man, who has already lost the best part of two days' work, has to pay half-a-crown for his recognizance, and two or three shillings to the constable, making his expenses, at this early stage of the proceedings, amount to nearly as much as he can earn by the labor of a week for the maintenance of his family.

I will suppose the assault to take place within twenty days of the Easter Sessions. The poor man accordingly has a journey of fifty miles to Salisbury. Having no money to procure professional advice, he is upon his arrival there rather at a loss what to do; but some person connected with the Court directs him in what manner to proceed. The bill of indictment is drawn, he is sworn in Court, and attends with his witnesses before the Grand Jury. A true bill is found without hesitation, and the prosecutor hopes to proceed to trial. The defendant however *traverses*;—not because he is not sufficiently prepared, but solely and simply because he knows that the *traverse* will occasion additional expense, which he does not regard so long as it is ruinous—as it must be ruinous—to the man whom he has injured. The poor complainant therefore, with a heavy heart, travels home *απραχτος*. He was two days walking to Salisbury, and is two days walking home again. His subsistence and lodging for three nights, during his absence from his cottage, cost him at least the produce of a week's labor, and he besides has had to pay certain fees in Court—fees trifling in amount, but in his case sufficient to deprive his family of two days' bread. For his witnesses he has been obliged to find means of conveyance, subsistence, and lodging, at an expense equal to the produce of his labor for a month. For any thing like redress he must wait three months longer, exposed meanwhile to the taunts and sarcasms of the man who has injured him.

The day of trial at length arrives. The poor man and his witnesses have to make another tedious journey of fifty miles to Warminster. In Court they have to "abide the pelting" of the wit, and cross-examination, of the practised orators, whom the purse of the defendant has arrayed against him. A plain tale, however, and a good cause, carry him through. The aggressor is found guilty, and sentenced to a short imprisonment, or to pay a fine to the King;—each party, of necessity, paying his own expenses. The Court cannot in any way indemnify the prosecutor,

who has prosecuted not for himself but for the King, to the amount of a single penny. He returns home ruined and heart-broken: for the labor of a quarter of a year will hardly make up for the money, which he has unavoidably spent in asserting the protecting authority of the law.

But the evils of the present state of the law on this subject, may seriously affect the rich as well as the poor. Suppose a man to be travelling at a distance from home—suppose an inhabitant of Cornwall, for instance, to be carried either by business or by pleasure into Northumberland—and there to be grossly assaulted, soon after the termination of one of the Quarter Sessions. He must prolong his absence from home some months, or travel a second time from one extremity of England to the other, before he can obtain redress.

It is easy to say, in these and many similar cases which might be put, that it would be wise to pass over the aggression, and that passive endurance is recommended by worldly prudence, as well as by Christian meekness. But what then becomes of the *protection*—of the *preventive* efficacy—of your laws? Does not the present state of the law on this subject, in a majority of cases, amount practically to an absolute *denial of justice*, against the express words of Magna Charta, and the whole spirit of the English Constitution?

The obvious remedy for these evils would be found, in giving Justices of the Peace the power of *hearing* and *determining* all common cases of assault in a summary manner. I would not give this power to a single Magistrate at his own house, but I would give it to *two*—perhaps even to *one*—at the usual place and time at which the Petty Sessions of the Division are customarily held. Then and there should the complaint be heard and determined; the Magistrates, or Magistrate, being invested with the power of sentencing the offending party to indemnify the complainant (up to a certain amount) for his loss of time, and any other expenses actually incurred, and to pay a fine either to the parish, the county, or to the King, or to submit to imprisonment. In short, with respect to punishment, I would nearly adopt the words and the limitations of the Act against wilful trespassers. (1 Geo. IV. cap. lvi.) Certainly I would give a right of appeal to the Quarter Sessions; and would also allow the Magistrates a discretion as to sending the case to the Sessions in the first instance.

But whatever may be thought of the expediency of giving to Magistrates the summary jurisdiction which I have recommended, it appears to be most desirable that the Quarter Sessions should have the power of awarding costs in all cases of *misdeemeanor*, or of paying from the county rate the reasonable expenses of prose-

cutors and witnesses. In *misdemeanors*, no less than in felonies, the prosecutor prosecutes for the King, and not for himself. This power in the Sessions would remedy a part—(but only a part)—of the evils which I have ventured to point out.

Will it be said, on the authority of Blackstone, that the summary jurisdiction of Justices of the Peace is already too extensive?—that the Legislature views it with jealousy?—But, unless you are prepared to overturn almost the whole of the present system of the administration of justice in cases of comparatively little importance, these objections are too late. You empower a single Magistrate to imprison a man for three months for appropriating to himself—for the purpose it may be of satisfying the hunger of his family—certain animals *feræ naturæ* which at present are the property of nobody; You allow a single Magistrate to send a man to the tread-wheel for three months, for carrying off a post or rail which appeared possibly to him to have fulfilled the purpose for which it was originally destined. You allow a single Magistrate to confine a man for a whole year for cutting a sapling, the size of a walking-stick, which might in process of time become a timber tree. I am not finding fault with these enactments; but is it wise, is it equitable, to give this power of summary punishment for the protection of the property, and the *amusements* of the rich, and to refuse to give similar protection to the persons of the poor? Will you suffer the lower orders to feel that protection is given only to those who can *pay for it*?—that in all minor cases of personal injury they are not entitled to justice, unless they are *qualified* by the possession of property?—Will you allow the Magistrates, whose peculiar office it is “to conserve the King’s peace, and to protect the obedient and innocent subjects” from force and violence, practically to feel, that a breach of the peace is one of the few offences which they cannot punish, and cannot check?

It will, perhaps, be said that the evils which I have mentioned are practically but little felt, inasmuch as cases of Assaults are generally compromised in compliance with the advice of the Magistrate before whom the complaint was originally laid. It is true that Assaults are frequently so compromised; partly because the aggressor, feeling that he has done wrong, is apt in his ignorance to take it for granted, that the law *must* have provided some ready punishment for such wrong-doing; and partly because the complainant is privately made to understand, that by following up his complaint, he will only expose himself to inconvenience, and to an expense which he has no means of defraying. But if the defective state of the law facilitates such compromise, is that a reason why the defect should not be remedied?

And, after all, is this method of *compromise* a method which, in

an advanced state of society, ought to be avowed and acted on? To compromise an invasion of *property* is, in many cases, "to be guilty of the heinous offence of theft-bote," and exposes him who is so guilty to condign punishment. Surely it is not according to the spirit of our jurisprudence to avow the practice of *compromising* invasions of the *person*, and flagrant violations of the king's peace. Speaking of the practice of allowing the defendant, *after conviction*, to speak with the prosecutor, Judge Blackstone says, "But it surely is a dangerous practice; and, though it may be intrusted to the prudence and discretion of the Judges in the superior courts of record, it ought not to be allowed in local or inferior jurisdictions, such as the quarter sessions." The compromises of which I have spoken, take place *before* conviction, though *after* the legal process has been commenced; and are sanctioned, not by the Judges, not even by the quarter sessions,—but merely by individual Magistrates.

I am aware that it will be objected, that to give the quarter sessions the power of allowing the prosecutor's expenses in cases of assault, as well as in cases of felony, would bring a heavy burthen upon the county-rate, which, by the enlargement of gaols, the reparation of bridges, and other claims, has already been carried in many instances to so formidable an amount. But is there any way whatever, in which public money can be expended more properly than in protecting the meek and the feeble from violence? Is not such protection the very object for which men are united in civil society? And does not the refusal of such protection, (and *it is refused to the poor*, if only to be had at an expense which they have no means of defraying,) tend to throw them back into a state of nature? This, in fact, actually is the result of the present state of the law in Ireland, and not unfrequently in England also. A poor man is violently beaten by one stronger than himself. The law affords him no redress, since he cannot pay for it. He therefore calls upon his friends and neighbors to avenge him. The aggressor also has friends and neighbors who assemble for his defence, and a deadly feud is begun, followed, perhaps, by years of rancor, and by deeds of violence on every occasion for them that presents itself. Nothing appears to be more incontestable than that man, living in a social state, should receive protection from that state. Perhaps it is not greatly material, whether the expense of extending this protection in any particular instance should be defrayed by the country at large, by the county, or by the parish in which the violence is committed. There might, possibly, be some advantage, in levying the expense of prosecutions for assaults on individual parishes, which would thus have an interest in preserving peace and good order within their respective limits. This

would, in some measure, bring back Alfred's institution of frank pledges, "wherein the whole neighborhood or tithing of free-men, were mutually pledges for each other's good behaviour." To take the expenses of Assault prosecutions, however, from the county-rate, would be the readiest method of proceeding, and most in accordance with our present practice and institutions.

With a view to the prevention or non-encouragement of trivial complaints, much discretion, with respect both to the commencement of any proceedings, and the giving of costs, should be allowed both to individual Magistrates and to the quarter-sessions.

Forgive, Sir, the freedom with which I have addressed you. I consider the present state of the law on this subject as a serious evil, which ought to be remedied. I wish to see the remedy applied by some Member of his Majesty's Government, or by some friend of Government, rather than by any gentleman who is in the habit of a direct opposition to its measures. The subject, upon which I have addressed you, I have not taken up hastily. It has long been in my mind; and nearly two years ago I entertained some expectation that it would have been brought to the notice of Parliament by a personal friend. That expectation having been disappointed, I now take the liberty of respectfully submitting my sentiments to you, as the immediate organ and representative of the Sovereign, "the fountain of justice, and general conservator of the peace of the kingdom."

I have the honor to be, Sir,

Your most obedient and humble Servant,

A MAGISTRATE.

January, 1826.

REMARKS

ON A PAMPHLET INTITLED

“AN ESSAY

ON

THE ETERNITY OF THE WORLD.

BY A SCEPTIC.

SECOND EDITION.”

BY THE REV. T. S. HUGHES,

CHRISTIAN ADVOCATE,

LATE FELLOW OF EMMANUEL COLLEGE, AND

EXAMINING CHAPLAIN TO THE LORD BISHOP OF PETERBOROUGH.

LONDON :—1826.



INTRODUCTION.

AMONGST the various expedients to which sceptics of the present age have resorted, for the purpose of subverting the opinions and unsettling the faith of others, we may observe an extravagant and affected admiration of ancient philosophy ; of a philosophy whose wisest professors confessed its insufficiency to instruct mankind, whilst they feelingly lamented the absence of that heaven-descended teacher who has illumined the hearts and minds of men, and whose advent they anticipated with a species of prophetic anxiety.

In the early ages of the Church the doctrines of Christianity soon became tainted with an admixture of heathen tenets, particularly with the fanciful, though sublime, speculations of the Platonic schools : this probably was occasioned by the force of ancient principles in philosophic converts to the new religion, as well as by an influence arising from that partial coincidence which is sometimes observable between the tenets of the Christian and the Pagan institutions. During what are called the dark ages, similar effects were produced by the prevalence of a scholastic theology which so long enslaved the human intellect, when the most sublime inquiries, such as the origin of things, the essence of the soul, the nature of the Deity, &c. were mixed with the frivolous dogmas of the Schools, and rendered objects of fruitless disputation and technical subtlety ; resort being had to the dialectic aid of the ancient philosophers, especially of Aristotle, not for the purpose of investigating truth, but of defeating an opponent and establishing the triumph of human ignorance.

At length the revival of literature, accompanied by the blessed light of the Reformation, dissipated the clouds which hung over the avenues to knowlege. Since that period the writings of antiquity have been appreciated and studied according to their

real merits, and instead of being placed as barriers against the progress of true Christian philosophy, they have acted amongst its best auxiliaries, helping to confirm its truth, to illustrate its doctrines, and to purify its records. In these days of advancement in all the arts which dignify and adorn life, shall we tamely see endeavors made to bring us back to the practices of superstitious, rude and barbarous ages? Shall we on whom not only the light of sound philosophy but that of Revelation has shone, bind ourselves again to the extravagant theories of unenlightened heathens? Shall we follow as guides men who were so little acquainted even with the material world, that they uniformly resolved all matter into four simple elements, every one of which we know to be a compound substance? who, though they never attempted to investigate the phenomena of mind or to analyse its intellectual powers, were so dissatisfied to remain in that ignorance of its *essence* which no human wisdom can ever hope to dispel, that they formed as many different conceptions of its entity or non-entity as there existed sects of philosophers? who held ideas concerning the divine nature no less numerous, extravagant, and absurd? and who at the same time were really possessed by so anti-philosophical a spirit, that the followers of each master bound themselves by his dicta, as laws, even though he affirmed that the sun and moon and stars were actually no bigger than they appear to the naked eye; and this, although they could see, and expose, the absurdities of each rival sect? No. We need not depreciate the real excellencies of ancient philosophy: we may still admire its splendid diction, its noble sentiments, its frequently sublime morality, and its majestic eloquence: but whilst we thus forbear to snatch from its brow the myrtle-wreath which it so gracefully wears, let us not seek to place thereon the laurel crown. In fact, the temperature and genius of the ancients seems to have been far too warm and volatile for the cultivation of sound philosophy: they never waited to found their opinions on experiment or induction, even in the arts and sciences which are strictly compatible with those admirable methods. Both in the material and in the intellectual parts of creation, they utterly neglected the observation and analysis of phenomena, to erect systems on the frail basis of hypothesis to which they obstinately adhered, though involved in consequences

inconsistent and contradictory. Thus they lost themselves in the bewildering mazes of their fanciful imaginations ; and they stand in this point of view, as beacons to be avoided, though in the department of literature they may serve as models for our imitation.

These reflections have been suggested by a perusal of the pamphlet mentioned in my title-page, which professes to uphold a doctrine that pervaded nearly all the schools of ancient philosophy ; viz. " the existence of matter, as an uncreated independent principle, from all eternity," in opposition to the generally received opinion " that it was produced by the supreme mind or intelligence, which we denominate God." My endeavors in the following pages will be directed to show, in as concise manner as the subject will permit, 1. That this doctrine is quite as much exposed to the objections of metaphysical argument, as that which it opposes. 2. That by lowering the attributes and limiting the power of the Deity, it has, contrary to our Author's declaration, an effect on morals. 3. That it does not so well account for the origin of evil as the opposite doctrine. 4. That it acquires no credit from the opinions of philosophers ancient or modern ; and, 5. That it is contradicted by the explicit dictates of Revelation.

• Erat autem sapientia Græcorum professoria et in disputationes effusa, quod genus inquisitioni veritatis adversissimum est. Nov. Org. lib. i. c. 71.

REMARKS,

&c. &c.

1. IN the very commencement of this disquisition it is proper to state that concerning the real nature or essence of mind and matter, we must be content to remain for ever ignorant. The same also may be asserted with regard to many other objects of our investigation, such as the cause of attraction between the magnet and iron, the nature of gravitation, and the secret spring which moves our limbs by mere volition of the mind: the link which connects these several causes and effects, is concealed in the most impenetrable mystery.

Neither of matter nor of mind must we ever expect to know more than the successive phenomena which they present to our observation; and with these, the ascertaining and classifying of which is the object of real philosophy, we are not warranted in going any further than the ascribing them to some *permanent subject*. “*Matter* (says a late ingenious writer¹) is the *permanent subject* of certain *qualities, extension, &c.* that is to say, it is the permanent exhibitor to us of certain varying phenomena which we observe. *Mind* is the permanent subject of certain qualities or states or affections of a different class, *perception, memory, &c.* that is to say, of *certain varying phenomena of which we are conscious*. What *matter* is, independent of our perception; what *mind* is, independent of its temporary varieties of feeling, it is impossible for us to discover; since whatever new knowledge of matter we can suppose ourselves to acquire, must be acquired by our perception, and must therefore be relative to it; and whatever new knowledge we can suppose ourselves to acquire of *mind* must be itself a *state or affection of the mind*, and therefore only a new mental phenomenon;” &c.

This statement being admitted, and how it can be doubted is

¹ Browne. Philosophy of the Human Mind, vol. i. p. 206.

not easily conceived, we shall have but little difficulty in showing that the conclusions of our anonymous author are perfectly unsatisfactory and untenable, when by his arrogant and false assumptions he endeavors to diminish the attributes and limit the power of the Deity. For instance, in page 31, he lays down the following premises for the basis of his argument :

"It being understood that it is impossible any two substances should exist in the same place ; that spirit is a substance ; that matter exists and is impenetrable ; I think it will not be difficult to prove the eternity of the world."

"The universe is now infinite, since, whatever is, is included in the term. If it has not always been so, there was then a time when it was imperfect, when much space was occupied neither by God nor matter. It was therefore a *vacuum*, mere nihility, absolute nothing, before the production of matter. This assertion at once reduces *the universal mind to a finite Being* ; but will it make the doctrine of creation any thing more reasonable ?—I think not. For to create, is to produce out of nothing ; and he must have produced it where he was, or where he was not. It will not be maintained, I presume, that even the Deity could create where he was not, since no being's power can extend further than its existence ; nor where he himself was, since that would be to introduce *two beings* into the same place—which is impossible."

In this argument the fallacy is easily detected. We may deny his *minor* and defy him to the proof. How can he show that spirit is a substance, a *material substance*,¹ (which is a contradiction in terms) and that impenetrability is an essential property of matter ? How can he even prove an *atomic theory*,² when it can be demonstrated mathematically that matter is *infinitely* divisible ?

How much more satisfactory and philosophical it is, to argue, from the amazing, and, as regards our capacities, unlimited signs of wisdom and power in the vast structure of the universe, to the *omnipotence* of the Creator ! Nothing uncertain is here assumed ! and how much less is the imagination scared by this idea, than by that of an *unintelligent* principle existing without the pre-existence of an *intelligent* one ! Let the *omnipotence* however of the Deity be once established, and what becomes of the *impenetrability of matter* ? We can only measure that impenetrability by *finite force*, and can therefore only prove a *degree of resistance* :

¹ "If spirit be any thing it must be a *substance*, however unknown." p. 30.

² "His (God's) essence is every where diffused . . . but the *merest atom* takes from its absolute infinity." p. 33.

but *infinite resistance* is incompatible with *infinite power*, which, if it meet with any impediment, is no longer *infinite*. The *omnipotence* of God therefore enables him to exist in every part of space, whether it be a vacuum or not. More than this, his *necessary self-existent nature* (which our opponent himself allows) actually implies his *omnipresence*. For if the Deity possess in himself not a *contingent*, but a *necessary* existence, we cannot by any stretch of imagination conceive him only to have existed in, and to have been confined to, a particular spot: he must always have existed every where, and been essentially present every where, unchangeable in place as in nature: for how can we conceive a place where God has a *necessary existence*, and another where he has it not? That which is *necessary*, must be so at all times and in all places. "Quocunque tu flexeris, ibi illum videbis occurrentem tibi: nihil ab ipso vacat: opus suum ipse implet."¹

Now the same argument will apply also to *matter*. If matter be self-existent, it must exist every where, throughout infinite space. The whole universe must be one solid and material mass. How the revolutions of the planetary system can be carried on within such a medium, I leave our Author to explain. Moreover we may observe, that if primary matter had been thus *self-existent*, it never could have been moulded into its present forms of symmetry and beauty by the exertion of any power. The smallest atoms, if even the atomic theory were granted, could never have entered into the composition of a whole, as parts, but must ever have remained in their original immutable state.

But it is not only inert unintelligent matter, of which the *necessary* existence is affirmed by our author; certain *essential qualities* are also assigned to it which the Deity neither created nor can annihilate, but can merely modify.² To this I answer, that *modification* is no more consistent with a *self-existent* quality than is *annihilation*. If an evil quality exist *necessarily* as an *evil*, or a *good one* as a *good*, it is a contradiction to suppose that the nature of either can be altered. The very confession therefore of our Author, that God can so modify the qualities of matter, destroys his theory.

We may here observe, that the assigning of these essential qualities to primary matter by the ancient philosophers, probably gave rise to a great portion of the heathen mythology: from being thus

¹ Seneca de Beneficiis, lib. viii.

² "If God could not prevent the existence of the external matter, so neither could he deprive it of its qualities, which were as eternal as itself. It might have evil qualities. From these evil qualities might spring, notwithstanding the modification of the Deity, all the evils we see in nature." p. 36.

considered as primary causes, principles, or powers, they became elevated into Deities.¹ Nay a still wilder notion arose from this philosophy, planted (according to Lord Bacon²) by Pythagoras and watered by the school of Plato and others, viz. that the world was one entire and perfect living creature, with a soul and spirit; insomuch that Apollonius of Tyana, a Pythagorean philosopher, affirmed, that the ebbing and flowing of the sea was the respiration of the earth. Cudworth on the same subject remarks,³ “*Ipse mundus, tanquam perfectum animal, quod corpore absolvitur et anima spectatur, sæpenumero tertii Dei vocabulo honestaretur.*”

But let us proceed to analyse another of our Author's principles, which he expresses in his motto, and comments upon at large in his Essay; viz. “*Ex nihilo nil fit,*” or, “from nothing, nothing can proceed.” This may be now easily answered. We have already shown that matter cannot be, *of necessity, self-existent*: it must have had a beginning. Neither can any thing else be shown to be *necessarily existent* and *eternal*, except God, who is acknowledged to be so by our Author himself. God therefore must be the first great cause of all things that exist, of original matter, as well as of all its subsequent forms and modifications, and we are necessitated to exclaim with our great philosopher, “that nothing is without beginning but God; no nature, no matter, no spirit, but only one and the same God.”⁴

With what little difficulty or violence does this idea accommodate itself to the mind of him who acknowledges the omnipotence of the Deity! To an omnipotent Being, nothing, which is not in itself contradictory, can be impossible: that supreme intelligence, which has moved inert matter, may as easily be imagined to have created it, though we can no more explain the manner in which it was done, than we can understand how mere volition moves our own bodies. The difficulty lies not in the thing itself, but in our limited faculties; and if God had been pleased to add another faculty to the human mind, he might have rendered that perfectly clear which is now utterly incomprehensible. I will adduce but one more argument, in this part of my subject, to show what conclusions may be drawn against our Author's theory, from his own admission.

¹ As Lord Bacon observes, “*Quicquid a Deo nan pendet, ut auctore et principio, per nexus et subordinationes, id loco Dei erit, et novum principium et Deaster quidem.*”

² Vol. iii. p. 189. 4to. Edit.

³ Vol. i. p. 827. 4to. Edit. Lug. Bat.

⁴ Lord Bacon's Confession of Faith, vol. iv. p. 413.

Having acknowledged the existence of two independent principles, matter and spirit, having acknowledged also that man consists of body and spirit, he must allow that God created the spirit or soul of man at least, unless he asserts the existence of a third independent self-existing principle, or an infinite series of causes and effects from all eternity :¹ but to advance what there is no ground for admitting, or no possibility of proving, is more consistent with ancient than with modern philosophy. God then having created the soul or spirit of man, and spirit having been declared by our Author to be a *material substance*, what becomes of his original theory ? But if we forbear to press him with this his own admission, we may surely be permitted to ask, how the idea of God's creating matter is more revolting to reason, than that of his creating a spirit ?

2. I now proceed to show, in a few words, that our adversary's theory, contrary to his declaration, does affect the cause of morals. He must know, that, in proportion as the attributes of the Creator are circumscribed the veneration of the creature will be diminished. He must know that the whole harmony of the divine nature is destroyed, if power be wanting to execute what wisdom suggests and goodness adopts. He must know, that if the existence of evil qualities be assumed, which God himself can neither eradicate nor materially alter, the stupifying doctrines of necessity will receive a most pernicious sanction, and the diminution of man's responsibility will gradually lead him into the most degrading immorality. More than this, the prevalence of such a doctrine would oppose the reception of revealed religion by striking at the very root of *miraculous evidence*. If God has not the power of changing what we call *good* and *evil*, or the properties of matter and mind, for ever, he cannot do it for a moment. If he can do it for a moment, he can do it always ; for who or what exists which can prevent him from doing in each succeeding moment, that which he did in the moment which preceded it ? I would not willingly impute ill motives to a writer, unless they were rendered very probable by internal evidence ; but several passages in this author's work induce me to believe that his revival of an almost exploded theory did not originate in so innocent a motive as he pretends. Many minds, which would start with horror from any direct attack upon their principles, may be unsettled by crafty insinuations, made with affected candor and an avowed object of promoting truth.

3. But with regard to the origin of evil, what solution of the mystery does this theory propose ? a mere assumption founded

¹ He disclaims the notion of the human soul being a portion of the divinity. p. 32.

neither on proof nor probability ! the existence of noxious qualities produced without a contriver, and invincible by all the power of the Deity ! Surely it is more rational to mistrust our own limited faculties in this matter, and to doubt whether that which we call evil, in a system whose general character is uniform benevolence and wisdom, a system too which we can observe only in detached and insulated portions, be not exaggerated as well as misunderstood. Certainly we find that the more intimately all the parts of nature are examined, the more they are found adapted to wise and benevolent ends : this is the invariable result of increasing observation and experience. But we may without any impropriety admit God to be the author of this evil, since it can very easily be shown to be a consequence of those general laws by which the welfare of all his creatures is secured, and of that free agency without which our best powers and feelings would want exercise, and the good resulting from them be withdrawn from society. With *created* beings unlimited knowledge and unlimited happiness is totally inconsistent, and there is perhaps no system of creation from which the existence of evil could have been excluded. In one point of view, however, its disadvantages will be greatly lessened, if we contemplate it as the great trial of our virtue and the touchstone of our fidelity ; which, though it produce pain and anxiety here, may advance our happiness to a much higher degree hereafter, when the justice of God shall remedy all those inconsistencies which appear to exist in his present government of the world.

4. We now come to show that this theory receives no confirmation from the opinions of philosophers.

What confirmation indeed can possibly be expected from the dogmas of philosophy when the subject of its investigation is clearly beyond the reach of human powers ? "*Homo naturæ minister et interpres, tantum facit et intelligit, quantum de naturæ ordine re vel mente observaverit ; nec amplius scit aut potest.*"¹ The province of philosophy is not to investigate efficient causes, or to feign hypotheses, but to generalise effects ; and this in fact is all we do when we advance from discovery to discovery, resolving our conclusions into others still more comprehensive ; nor have we any reason to be discontented with this order of things : science is not injured thereby, nor the advantages that mankind derive from it diminished. The disciples of Newton are not less numerous or less satisfied with his theory of gravitation, though the efficient cause lies hid from all researches, whilst his own query concerning the invisible ether of which he supposed it might be

¹ Nov. Organ. in init.

the effect, has subjected even that great philosopher to the imputation of a weakness from which nothing human seems entirely free.

With regard to the ancient philosophers, their opinions on this subject, built (as they must be built) entirely on hypothesis, and at variance with each other, are entitled to no respect; at the same time it is worth while to observe that the nearer this ancient philosophy approached to God's original time of revealing himself and his works to man, so much the more clearly and rationally were the mysteries of nature commented on and explained: it was when the various schools of philosophy arose, that the minds of men were perplexed with vain deceit. This will clearly appear to any person who will take the trouble of inspecting those ancient poems, which though they may not actually have proceeded from the pen of Orpheus, certainly contain the philosophical and theological principles which he introduced into Greece.

Ζεὺς πρῶτος γένητο, Ζεὺς ὕστατος ἀρχικέραυνος,
Ζεὺς κεφαλῇ, Ζεὺς μέσσαι ΔΙΟΣ Δ' ΕΚ ΠΑΝΤΑ ΤΕΤΤΚΤΑΙ. κ. τ. λ.

With regard to modern philosophers, who have reasoned on these subjects as unconnected with Revelation, we find their theories as inconclusive and discordant as those of the ancients themselves. Some, for instance, have excluded matter from the whole system of creation, referring all things to an ideal sensation; others again have resolved spirit itself into matter, making the mind to result from the organisation of material parts, and dependent on that organisation for its existence; whilst the various degrees of intermediate absurdity betwixt these two extremes, have been diligently filled up by human ingenuity.

Those however who have been most eminent for piety as well as talent, and who have contributed most to advance human knowledge, have declared against the theory of our Author and his ancients: and although authority be not argument, yet when prejudices, to which authority is brought for the purpose of giving currency, are to be combated, it is very satisfactory to be able to bring forward on our side the names of Bacon and Locke, of Cudworth and Hooker.

In this part of the question, however, there remains one name of mighty import to be wrested from our Author, who has appropriated it to his own use: I mean that of Newton; whose opinions are thus unfairly stated. "Convinced of this, Sir Isaac Newton, whatever may have been his outward professions, was deeply persuaded of the eternity of matter,"—"by meditating on the nature and property of space, this great man saw that its eternity was certain and undoubted; and passing from one link of

the chain to the other, he became no less certain that matter was so." pp. 31, 32. Now without staying to ask on what authority this anonymous sceptic attributes to Newton opinions contrary to those which he openly professed, it may be sufficient to select a few sentences from the summary of his philosophical tenets, made by one of the most accurate and judicious investigators that ever lived.

"All natural things seem to have been composed of the hard and solid particles above mentioned, variously associated in the *first creation*, by the counsel of an intelligent agent; for it became him who *created* them, to set them in order; and it is unphilosophical to seek for any other origin of the world, or to pretend that it might arise out of a chaos, by the mere laws of nature; though being once formed it may continue by those laws for many ages." "God governs all things, not as the soul of the world, but as Lord of the universe. The supreme Deity is an eternal, infinite and absolutely perfect being, omnipotent and omniscient." Again, "It is universally allowed that God exists *necessarily*; and by the same necessity he exists always and every where." These then may be depended on, I think, as the real opinions of Newton: those of the *Roman Catholic Poet*¹ brought forward by our Author, are not worthy of a moment's attention. To what conclusion then do we arrive in this part of our subject? That the theory of our Author is not only inconsistent with philosophy, but is opposed to the most respectable of all human authority: it becomes our duty, finally, to show that it is also inconsistent with the light of Revelation. For if (as the great Lord Bacon justly observes) "every thing relating to the nature of the soul must be bound over at last unto religion, there to be determined and defined, for otherwise it still lies open to the errors and delusions of sense," how much more necessary is it to refer all our ideas concerning the nature of the Deity to the same invaluable guide!

5. Great indeed is the benevolence of the Deity, who by the superior light of Revelation has illumined the understanding of his creatures, and put them into possession of knowledge, as well as privileges, from which they had been so long precluded. But in substituting faith for reason, he neither shuts out reason, nor imposes on us a blind unsatisfactory faith: in imparting to us a Revelation existing on the foundation of prophecy and miracles, he gives us sufficient proof of its authority, though he permits reason to sift and examine its evidences and records. Satisfied

¹ Brucker, from whose work Enfield has compiled his *History of Philosophy*.

with these we may freely receive its doctrines, as fixed immutable principles, which will make us wise unto salvation; and may leave to philosophy those subtle metaphysical questions, which there is more merit in despising than in solving. But as human opinions vary on almost all topics, we must not be surprised if we find differences to exist on many important points of Scriptural doctrine, or that some persons endeavor to wrest those points to their own unworthy purposes. Our Author, for instance, contrary to the general opinion of the Christian Church, has asserted that "the eternity of the world is not contrary to what is taught in the Bible," though Jehovah is throughout the Old Testament distinguished from false gods, as the Maker of heaven and earth; and though in the New Testament the Apostles begin their instruction of the ignorant Gentiles with that distinguishing attribute, the omnipotence of God, "who made heaven and earth, and all things therein."

"The word (he observes) in the first chapter of Genesis which by our translators is rendered *created*, in the Hebrew means disposed, arranged in order: and accordingly, it is said that, before the creation, the matter was *without form*; and the Ruah Elohim—Spirit of God—moved on the face of the waters. It is evident, therefore, that the Author of Genesis had no conception of what is now commonly understood by the word *creation*; and only meant by it the formation, or re-formation of the earth." p. 12.

Now though we should in this case grant his premises, we may very safely deny his conclusion. It is possible that there may have been a succession of worlds before our own, but it would not thence follow, either that the succession was infinite, or that matter was self-existent. Supposing that the creation which Moses has described be considered merely as a re-formation of the world, what proof is there that the primary matter, of which it has been so re-formed, was not originally created by the Deity? What proof, I say, can be brought against the express interpretation of the New Testament, which declares that "God made the world by his Son"—that "all things *were*, or *were made*, by him"¹ the *πρωτοτόκος*, by which probably is meant (as Bishop Blomfield well observes²) *the first producer* of the whole creation; which interpretation seems to be rendered probable by the words which immediately follow, "For by him were all things created, that are in heaven, and that are in earth, visible and invisible, whether

¹ Πάντα δι' αὐτοῦ ἐγένετο, John i. 3.

² Lectures on the Gospel of St. John, p. 16.

they be thrones, or dominions, or principalities, or powers. All things were created by him, and for him; and he is *before* all things, and by him all things consist." ¹ It will not detract from our argument, if we observe, that this doctrine and interpretation, regarding both the Father and the Son, received the sanction of a general Council, as the several clauses to this effect in the Nicene Creed plainly indicate. This part of my argument might, as the reader must know, be carried to a very great length: enough I trust has been said to show, that, whether we consider the world with reference to its first great Cause, or to the wisdom and goodness of its Creator, we are bound to receive with implicit confidence that declaration of Scripture which asserts that "God saw every thing which he had *made*, and behold it was very *good*."

¹ Col. i. 16, 17.

AN
ANALYTICAL EXPOSITION
OF THE
ERRONEOUS PRINCIPLES AND RUINOUS CONSEQUENCES
OF THE
FINANCIAL AND COMMERCIAL SYSTEMS
OF
GREAT BRITAIN.

ILLUSTRATIVE OF THEIR INFLUENCE ON THE PHYSICAL, SOCIAL, AND MORAL CONDITION
OF THE PEOPLE.

Founded on the "Statistical Illustrations of the British Empire." Published by J. Miller,
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By JOHN POWELL.

"The people are destroyed for lack of knowledge."

HOSEA iv. 6.

A thousand stories which the ignorant hear and believe, die away
when the computist takes them within his grasp." DR. JOHNSON.

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ADVERTISEMENT.

Had the Author been happy enough to have met with any thing in the publications of the day calculated to lead to the conclusion, that the interesting, involved, and vastly important subject of the following work was understood by the writers, he would not have imposed on himself the onerous labor he has performed. Could any conceive the difficulties of such a labor to an uneducated man, dependent on mechanical occupation, unassisted and unencouraged (save that the most intelligent and opposed, whom he has met, have never been able to controvert his conclusions) they would rather wonder it should have been performed at all, than find fault with its defects. It never would have been performed by him, had not the ardor of his desire to aid in obviating the calamities which ignorance entails, and the anguish of feelings they excite, been commensurate to the clearness and force with which the subject has impressed his own mind. Truth is the great object he has labored to establish; if he has succeeded in that object, it will be the people's own fault, should such calamities as have lately and still agitate the public mind be continued, as they inevitably will, unless the causes are removed by them to whom the labor of removing them belongs.

INTRODUCTION.

It must have been obvious to every attentive observer of prevailing opinion, that the condition of the people of Great Britain, and the modern principles of legislation, were, until the present commercial panic, alike objects of general congratulation. The man that dared to question the excellence of either the one or the other, was considered to be influenced by bad feeling, or as not belonging to the age. Being one of the few that venture to think for themselves, I have pursued a course of inquiry in an unbeaten track, which has led to conclusions directly opposed to popular opinions, and knowing that if truth be heard, she must be regarded, I venture to submit those conclusions to general scrutiny.

The principles and combinations developed, and the changes effected within the last 35 years, have placed Great Britain in a condition so totally distinct, not only from all other countries, but even from herself, in comparison with every former period, as to render a just estimate of that condition unattainable, without taking into account her new powers and means. In that view, so far from affording matter for congratulation, she presents an object for contemplation at once anomalous and appalling, not only to the degraded portion of the community, but to those also who pride themselves in the accumulation of wealth, by the insecurity in which that wealth is involved.

Institutions are forming in various parts of the country for the collection, diffusion, and expansion of mechanical and other scientific knowledge, tending to increase our productive power. Whatever scientific knowledge the promoters of these institutions may possess, or however honorable their motives, they betray a most lamentable want of knowledge of the actual condition of the people. Their pretensions are calculated to deceive the public opinion into a blind confidence, in the rapid improvement in the knowledge and condition of the laboring classes. Many talk as if the condition of the laboring classes, in the aggregate, was to be estimated by that of the *very few* that can avail of the benefits those institutions are professedly intended to promote, while it is incontrovertible, that the whole of the laborers employed in agriculture, and nine-tenths of the artisans of the country, are precluded all opportunity of cultivating their minds by scientific attainment, by the exhaustion of

their physical powers, and the absorption of their whole time to procure a scanty subsistence. The promoters of these institutions appear to have shut their eyes to the fact, that the expansion of mechanical power, which, instead of being made subservient to the comfort of the laboring classes, is brought into competition with their labor, and thereby reduces their wages; whilst an aristocratical monopoly of the land, and an absurd and despotic exclusion of foreign subsistence, raises the price of subsisting comforts, equal to many millions of taxes in favor of the monopolists, the whole leading to the physical degradation and moral debasement of those very classes whose condition is so fallaciously made the subject of national congratulation.

It appears to grieve these men of science to see men lifting heavy loads, which could be done with so much ease by machinery. But they do not point out how the poor slaves, whom they pity, are to obtain bread, should the labor they perform be done by machinery. That machinery is abstractedly good, cannot be disputed, because its property is produce, while the property of man is want; it is, therefore, adapted to his condition. But like fire and water, to the agency of which we are vastly indebted for the increase and perfection of the greatest portion of our comforts, while under judicious control; but without such control, they would be the most terrific agents we should have to encounter; and without it also, machinery, instead of a blessing, may prove a curse.

Men too, of great pretension and overbearing presumption, are pressing on public attention certain dogmas that have no foundation in truth, and are totally inapplicable to British society, under the imposing and dignified title of *Political Economy*. *Science is the development of truth*. The science of political economy is the most delightful, the most interesting, and the most important of all the sciences, as its objects are to unfold the means whereby the greatest amount of human comfort and improvement can be obtained with the greatest facility and ease.

That which has not truth for its basis, cannot be entitled to the consideration of science. It is conclusive of superficial knowledge among the people that they can be induced to receive pedantic conceits as axioms of science. This is to be accounted for on the principle that "in all popular errors there is a tolerable substratum of truth." All speculators, especially when they have the advantages of education, will occasionally make out a good case, as those who are always speculating in lotteries, &c. will occasionally obtain a prize. The science of political economy is, indeed, the science of the people. But as a great portion of what has been promulgated under that appellation is untrue and inapplicable to society, it cannot be entitled to consideration. Yet, as the bee sucks honey from every flower, a portion of the substratum of truth that may be found in the works of the economist, will be occasionally availed of in the discussion of the subjects that may be brought under consideration. No personal feeling shall knowingly be allowed to disparage this contest for truth. *Truth is the great*

object sought to be established. Nothing but truth can be entitled to regard. Truth is great, and must prevail.

That men possessing faculty, as some of the promoters of modern schemes and doctrines evidently do, should not direct their endeavors to unfold, on scientific principles, the manner in which newly-discovered mechanical power has affected, and how it ought to affect the condition of society, is much to be regretted. Had that been the case, they might have been useful to the country, by becoming instrumental, in instructing those who preside over public affairs, in that scientific knowledge that is indispensable to the right administration of the laws of society. It is possible for rulers to be very worthy men, and yet be as far behind the age, in the knowledge of political science, as those who, when the effects of steam power and the spinning-jenny are so obvious, would still adhere to the distaff and spindle.

Without such scientific knowledge among rulers, instead of proportionably elevating the condition of society, that newly-discovered scientific power may become instrumental, in enslaving, subjugating, and debasing those who constitute the strength and sinews of the state, and of hurling the nation from its proud pre-eminence, to rank with others in fallen greatness.

Without such knowledge none can be entitled to public confidence in the management of its affairs, as none can be fit to direct that which they do not understand.

Nothing can be more conclusive of the fact of prevailing ignorance on this subject, than the incontrovertible tendency of the existing order of society, and of the doctrines *called* political economy, to produce a convergence of money influence, or despotism, which is the worst of all despotisms, as it weakens the bonds of society, by reducing the affections of human nature to a money value on the one hand, and a divergence of poverty and misery on the other; or in other words, increasing wealth in fewer hands, and extending privation among greater numbers, the unerring indicators of national decay according to all experience and all history.

That social institutions are susceptible of scientific elucidation is unquestionable. That such elucidation has never been effected, is apparent from the contrariety of opinions and confused notions of legislators, on the various subjects that come before Parliament. Such institutions do not appear to have been put to the test of analytical investigation, until the recent publication of the volume of *Statistical Illustrations*, from which the following conclusions are chiefly deduced. Genuine science is tardy in its progress; but the science of social government, or *National Policy*, is so interesting to all, from its superiority to all others, (inasmuch as it applies to the condition and feelings of every member of the community,) that it is reasonable to hope it will form an exception to others in the rapidity of its advance. There are, however, several discouraging circumstances to overcome, arising out of various causes.

One of these causes is the prevailing and inveterate dislike to an assemblage of figures. But it must be obvious, that the operations and resources of Great Britain are of a magnitude too vast to be brought

within the power of human comprehension, without the aid of figures, however repulsive they may appear; and being properly applied, they lead to just conclusions with precision and accuracy. Yet even our most ostensible public characters manifest a distaste for, or an incapacity to appreciate them.

When the indefatigable *Member for Aberdeen* introduced an extended financial statement, on the opening of a late Session of Parliament, *Lord Londonderry*, who always displayed an anxiety to fix the attention of the House on the "fundamental features" of a question, said, it was "a motley group of figures that he could not understand!" And another statesman, a man of figures, *Mr. Vansittart*, whose profundity of reasoning enabled him to prove to the satisfaction of two-thirds of the Members, that the axiom of Euclid, viz. "that the whole is greater than a part," was not true; being asked his opinion, some time after, of the tables produced by Mr. Hume, said, "he could not tell if they were true or untrue." If men so eminent, and whose public engagements require a knowledge of such subjects, are not able to grapple with an accumulation of figures, how is it to be expected from others? It is to be presumed, however, that the prevailing distaste for figures would very much subside among those who feel aggrieved by the pressure of taxation, if they could be made to understand, how much that pressure is increased by the very erroneous manner in which it is levied, which can be demonstrated far to exceed general apprehension. The money-jobbing between the Executive Government and the monied interests is not only worse than useless, but incredibly mischievous. *Even the present worthy Financier*, reputable as he has become with the public, from the circumstance of his entering on that office under the auspicious aspect of a mitigator of public burdens, together with the general rectitude, candor, and urbanity of his manners; he, by *one unnecessary and uncalled for expedient, committed the public to an unnecessary obligation more than sufficient to pay the salaries of all the Cabinet Ministers in perpetuity*; of which any one may satisfy himself who can compute the details of the Act, 4 Geo. IV. cap. 22, which will form a subject for future investigation. I *must, in my conscience, however, acquit him of understanding the subject*, which was complicated, as if for the purpose of being misunderstood. For if he did understand it, on no principle could the measure be accounted for, but that of a private participation, direct or indirect, which no one would for a moment believe, that knows any thing of the character of that distinguished individual. The consequences to the public, however, are the same, whether done with or without being understood by the parties to the transaction.

Were the public aware of the unnecessary burdens occasioned by the want of knowledge on the part of their rulers, they would certainly soon prevent them, by exciting an emulation amongst Ministers to attain it, lest the people should as far outstrip them in directive wisdom, as in inventive wisdom, they have outstripped all former periods. To be candid, this statement is introduced here for the purpose, if possible, of stimulating such inquiries amongst the people, as will induce them more vigilantly to watch over and examine the measures which may, from

time to time, be brought forward. For unless the intellectual and moral superiority of those that preside over our affairs, make some proximate progress with that of mechanical power, nothing can prevent the increased application of mechanical power from subverting the whole fabric of society.

It is not possible for an Englishman that loves his country to feel any pleasure in stating facts so grievous; but if he cannot turn over the pages of the Parliamentary returns, without their staring him in the face, the mixed feelings of compassion and indignation they are calculated to excite, must impel him to notice them, from the consciousness that "England expects every man to do his duty." It was a good statute enacted in the State of Massachusetts, "that things connected with the State should be called by their proper names." "However pure and patriotic may be the intention of rulers, the only condition on which the rights and liberties of the people can be preserved is, by unceasing watchfulness on their own parts. No nation ever did or ever will find angels in the forms of men to govern it."—*American Statistics*.

"It may be demonstrated that no evils are greater than those which result from a more favorable opinion towards their rulers, on the part of the people, than they deserve; because, just as far as that undue favor extends, bad government is secured. Institutions of government are good in proportion as they save the people from evil. Bad, when the cause of evil, either by what they create, or what they fail of preventing, and which might be prevented by other institutions. It is of the highest importance that the people should know what are the institutions which would save them from the greatest amount of evil. Institutions of government are bad, either because they in whose hands they are placed do not know that they are bad, and though willing, cannot improve them; or because they do not wish to improve them. When willing, and do not know how to improve them, *every thing which tends to a knowledge of the defects is desirable both to rulers and people*. That which most certainly leads to such knowledge is for every man who thinks he understands any thing of the subject to produce his opinions, and the evidence by which such opinions are supported, that every man who disapproves of them should state his objections."

In the preceding remarks on the freedom of the press, published in the *Encyclopædia Britannica*, will be found sufficient reasons for this publication.

The difficulties to be overcome on account of prevailing distaste for figures in a work of this nature, are much increased by the prevailing apathy among all classes that have a more direct interest in the consequences. The merchant, whose transactions are of a solid nature, cannot be made to believe that he shall be affected, though he sees one and another embarrassed by their commercial operations. He cannot imagine that any one can tell him more than he knows, and he satisfies himself that he at least shall escape: he cannot find time to attend to any thing but his ledger, until fatigue unfits him for reflection. When all of a sudden, the supposed rock on which he thought he had firm footing, passes from under him, and then care precludes him from inquiring into principles. Men in inferior stations do not care to trouble

themselves, they leave to all their rulers. Ministers are complimented on their wisdom, and are self-confident, so that no one can conceive the difficulty of making an impression, but those that experience it. The frowns, the contumelies, meanness and self-sufficiency, even of those one feels anxiety to serve, would be beyond endurance, to any that were not determined to labor to do good for its own sake, regardless of smiles or frowns. Yet there are many worthy and intelligent men, even among the productive classes, who reflect much, but do not know how to come at the truth; and notwithstanding the general indifference which has been so materially produced by the jargon of conflicting opinions on political questions, for the want of conclusive facts to guide them in their inquiry, and as "in the time of adversity" men will "consider," a hope is entertained, that the statements about to be exhibited, will be as intelligible and delightful to many, as the conclusions to which they lead are interesting and important. For though, according to Locke, "truth is but rarely known, and more rarely welcomed amongst great men," "and though the people are not so prone to find out truth of themselves, as to follow custom and run into error, yet if they be shown truth, they not only acknowledge and embrace it very suddenly, but are the most constant and faithful guardians of it."

Should expressions of disapprobation appear occasionally strong in this work, on any existing or proposed measure, to the candid it will be sufficiently apparent, that they did not arise from the meanness of party or personal feeling. It will be more just to attribute them to the strong impressions produced by the various circumstances which present themselves to the mind of the writer in endeavoring to perform the labor of analytical investigation, and the great difficulty he experienced in imparting such impressions to those who have not participated in such labors. Difficulties that arise from the tyrannic influence of that money despotism that has so subtly diffused itself into all the ramifications of society; which like a London fog, on a winter's day, —at once darkens the understanding and chills the feelings of the heart, so that the most burning light can scarcely dart a ray into the one, or kindle a benevolent glow in the other. Such strong expressions are from the spontaneous feelings of a man, who sees, or thinks he sees, his countrymen sinking into poverty and misery, through the ignorance of those who preside over their affairs, and with the fortitude that conviction and humanity inspires, steps forward to impugn that ignorance without respect to persons, in the hope of doing something towards arresting the progress of its desolating influence.

The sources whence the information is derived, are the Parliamentary and other official returns, obtained at the public expense, under the direction of the Executive Government, from men who divide the public bounty and reward for keeping * correct accounts, which ac-

* It is remarkable, as will appear by comparing the aggregate amounts of income and expenditure on the large sheet in the volume of Statistics, inclusive of the years 1793—1824, that there is £36,641,517 accounted for as being received beyond what is accounted for as being expended; although the secret service money is accounted for even to a sixpence. It is for those that receive the public money for keeping its accounts to explain how the above sum has been appropriated!

counts are referred to by all the Members of the Legislature in their various discussions. It must be permitted to be said, that it is not believed, that those accounts, however, are understood by any of them in a comprehensive manner, which is inferred from the many very erroneous statements made, with the greatest apparent sincerity, without being controverted by any. These errors are not attributed to want of natural faculty, or of general application, but to the vast magnitude of the subjects, and to the vast labor necessary to be performed, in order to bring them in their relative influence within the scope of comprehension; a labour which there is no reason before the public to justify the belief, that it has been performed by any Member of the Legislature, nor at the public expense, or by its countenance, notwithstanding its great national importance. The labor, however arduous, has nevertheless been performed, and though not by myself, yet under my immediate observation. *The results of that labor are embodied in the volume of Statistical Illustrations, from which the conclusions* about to be exhibited are chiefly deduced. The deductions are exhibited in the hope of exciting the interest, and stimulating the energies, of men of superior attainments to similar labors; and, thereby, to lead to the development of such principles and combinations as may tend to set the varied interests of society in a right direction and order of universal prosperity: a crisis which, in this fulcrum country must be effected, not by the collision, but by the consideration of its agents.

AN
ANALYTICAL EXPOSITION,

&c. &c.

MAN, in his individual capacity, is among the most helpless of the animal creation. Nothing can exceed in imagination the forlorn condition of a human being, from its infancy, if left to itself, without those aids which education alone can afford. By *education* is meant all those circumstances which surround the human, and especially their infant race, calculated to make impressions on their minds and characters. Almost every thing in nature is capable of improvement by art. But man is the only species of the animal creation that is susceptible of *great* improvement. All the others preserve an uniform instinctive medium of capability. Man, by means of education, is susceptible of all those modifications of taste, capability, and character, which the different nations, and the various conditions of life present to our view. Said to possess no innate ideas, the *whole human race are capable of a high state of cultivation*. An *uniformity* of capability or of character cannot be produced by education. The capabilities of human nature are as diversified as its forms. Every one possesses a *peculiar organisation*, calculated to determine in what department of social occupation he is adapted to excel. *All* those peculiarities of organisation are capable of being made subservient to the well being of the whole. Those peculiarities which are *adapted to excel*, often remain dormant, and obscured for want of excitements. They never can be known, until circumstances, *always incidental*, and often apparently insignificant, produce the necessary excitements. But, when developed and duly exercised, they are frequently susceptible of vast expansion and great perfection.

By exercise and perseverance *very moderate natural faculties* may be made vastly to excel; and great native powers of genius will grapple with, and rise superior to, apparently the most complicated and opposing circumstances.

The objects that excite the extraordinary powers of man, are seldom known to others, or even to their possessors, and never until the mind can reflect on its own operations.

Henry Kirke White, an amiable and accomplished youth, of whom Southey was the biographer, and who fell an early victim to intense mental application in one of our universities, displayed the unfoldings of a sublime poetic genius. He ascribed his first taste for poetry, to his hearing a servant-maid sing the affecting ballad of the Babes of the Wood, when he was only six years of age; and before he was twice that age, wrote a poem on childhood, in which he says in reference to the above incident:

Beloved moment——

'Twas then first that pöesy charmed mine infant ear,
I hi'ed me to the thick o'erarching shade
To meditate.

Many years elapse with a *great* portion of mankind before their peculiar excellencies unfold themselves by operation; and *none* have ever done all that of which they have been capable.

There are peculiarities which the best education cannot reach. Human nature, with all its capabilities of improvement, does not appear to present an entirely passive object to be acted on, on which can be inscribed whatever characters we please. The most anxious desire of the best-intentioned and most judicious parents, to impress on their children correct principles, is very frequently and very painfully disappointed. Yet, oftentimes a vicious character is the result of education, arising from negligence, or overweening parental fondness or indulgence. The evils that are entailed on society by the poverty of parents, precluding them from turning the natural faculties of their children to the best account, is greatly to be deplored. In many instances, it may be perceived, that the finest opening powers of children become inert, for want of means on the part of their parents to draw those powers into exercise. *Parents* are responsible for the education of their children, to the utmost extent of their means. But *rulers* are pre-eminently responsible for the morals of mankind, as *their* measures are mainly instrumental, in determining the customs, the education, and the laws of society. And under Providence they may be said to be the dispensers of the happiness and miseries of mankind.

Man is a creature of want, and his wants must be supplied by labor. From the diversity of constitutions, faculties, and means, some require, and others can produce more than others.

Man is fond of ease, and requires stimulants to industry. The greatest stimulant to industry is the full possession and enjoyment of its products.

Man is naturally a selfish creature; and undue selfishness and

the love of ease excite the desire to possess the products of the labor of others, without giving its due equivalents.

No principle of education which has ever been acted on has been found sufficient to subdue this feeling. It is exemplified more or less by the most cultivated and the most amiable.

They can be at ease in the enjoyment of the spoils of the labor of others, obtained by means the most unworthy. This is exemplified by *English* gentlemen, who present the highest specimens of human attainment. They, by their agents, often outrage all moral principle; many of them become proprietors of stolen property. By some strange perversion of all social principle, many of them are recognised by law as proprietors of their fellow-men.

It is the predominating influence of this principle of *undue* selfishness that constitutes the weakness of man in his individual capacity, as he is not so liable to become a prey to animals of other species, as that of his own.

Man, with all the improvement of which he is susceptible, *will, if permitted, prey on his own species*. The power of one man to prey on the labor of others, is increased *in the proportion as he possesses the products of labor*. Possessing accumulated products of labor, he can avail of it to exact compliance to his will, with as much effect as by the application of brute force.

To protect themselves against such principles of *undue* selfishness, and from the power of preying on the labor of each other, men form themselves into societies, communities, or states.

The instant man becomes a social being, he becomes a subject of regulation. A social state cannot be enjoyed on any other condition but that of regulation. *Regulation* is the end of all legislation, and even of all human labor.

The volume of nature supplies lessons for legislative regulation, by the simplicity, adaptation, and consequent efficiency of its laws. By the adjustment of the centripetal to the centrifugal force, the harmony of the universe is preserved. Multiplicity and complication of laws are legislative perversions.

The formation and execution of the laws and regulations of society are confided to governments, which are, or ought to be, established for the public good.

Government implies capacity to direct, and power to execute. Justice and judgment is the basis. The *object* of it is the security of all under its control, in the possession of the fruits of their industry. The want of such security is the certain evidence of a destitution, either of capacity or of integrity.

The wants of men are so numerous, and the arts of production so diversified, that no man can, of himself, well produce all the commodities he wants. The greatest amount of the productions of art can be obtained by a division of labor.

Another object of government, therefore, is to secure to every

one the greatest facility of exchanging, and the utmost amount of what others are willing to give in exchange for the fruits of his labor.

The government that would put either undue restraints on such exchange, or omit to establish such regulations as would best promote and facilitate the same, would commit an outrage on the ends for which it is mainly instituted.

It is true the ends of government have always been imperfectly understood, and much more imperfectly acted on. Because they have uniformly grown out of contentions for power, and those that have succeeded to the attainment of power, have, from the *undue* selfish principles they are appointed to control in others, too generally turned that power to their individual or relative account. Whether that power has been invested in the hands of many, or of a few?—Whether in the rulers of a nation, or the committee of a trade, or any other society?—There is an innate tendency in all human institutions to degenerate.

The abuses of power, and the bad consequence of ignorance on the part of rulers, have been so numerous, as to have led many to have formed the opinion, that a savage, is preferable to a civilised condition.

But all that constitutes the difference between the mere animal, and the most cultivated of our race, is the result of civilisation, imperfect as it is.

If civilisation has not secured all the advantages of which it is susceptible, it is because its institutions have never been formed on correct social principles. And it is not right to decry civilisation, because of the evils that have grown out of the vices and follies of those that have been most instrumental in the formation of those institutions. As knowledge advances, all questions about the advantages of civilisation will be done away.

Much pretension has, of late, been set up; and it has become fashionable to advocate what are called liberal commercial principles. There is something plausible in the doctrines which have recently become popular; but, on an analytical investigation, they will be found unadapted, and inadequate to secure the promised benefits. Nothing has hitherto been avowed or developed, that is calculated to lead to the conclusion, that either statesmen, or writers on political economy, have taken a sufficiently comprehensive view, either of the operations of the existing system of commerce, or of those principles which are calculated to obviate the evils of that system.

It is curious to observe, in the progress of human opinions, when once they begin to change, how readily mankind pass from one extreme to another. There appears to be a re-action in all popular sentiments. But, according to Bacon, "change is not necessarily improvement." Our ancestors are supposed to be wrong in one direction, we are determined to avoid a similar error, and in order to do this, we rush into the opposite extreme. Foreign commerce

is understood to be a great means of national advantage, but that it has been too much under the control of regulation. It is therefore intended to break down every barrier which has been supposed to be a protection to British industry, and let it loose to the wildness of caprice, and to the fury of commercial speculation. With the profession of liberal principles, certain special reservations are kept up, which must make those professed liberal principles produce increasing derangement. "It is often asserted, that every thing connected with commerce should be left to find its own level, and that all attempts at artificial regulation are repugnant to the true principles of political economy. This is a theory, which, if applied to all the great interests of the country, would produce a revolution of the whole system; but it is trampled under foot every day, and violated with impunity. It has never been acted on from the remotest periods. It just commands sufficient assent to render it in the hands of the artful and designing, an instrument of oppressing the artisans of the country, who are distressed for the want of sufficient wages. It is only deemed sacred when it stands opposed to the claims of the industrious classes." The great object professed to be sought by this principle in commerce is plenty and cheapness, and which, if it could be general, would be desirable. But the abundance which may add to the comfort of one class, may in the same proportion diminish those of another, as cheapness in London may produce poverty in Lancashire.

The only legitimate object of foreign commerce to a nation, is, to obtain such foreign productions, as can be produced with less LABOR than is necessary to produce them within itself. No national advantage can be gained by foreign commerce on any other principle. And on that principle, the more free the interchange the better. All parties would be benefited by the operation; because it must necessarily increase their comforts, while it diminishes the labor necessary to produce them. Competition would be productive of the greatest good; because it would furnish every stimulus to the new discovery of productive power, and most universally diffuse its benefits, and secure a socialising influence on the condition of mankind. *No national good can result from commerce, by the importation of foreign productions, which cannot be produced by LESS LABOR than that by which they can be produced within itself; unless it be in exchange for products that would require less labor than that required to produce such foreign commodities.* Otherwise it would be like carrying coals to Newcastle.

It would be a violation of the true principles of legislation, to compel the members of the community to make each his own clothes. If by letting one man make shoes, another stockings, another hats, and so on, the aggregate amount necessary for the whole could be produced by half the labor by which each could produce his own.

It would be equally absurd to prevent an interchange with foreign countries on the same principle.

If that which *ought* to be *was* the determining principle on which foreign commerce was conducted, the doctrine of leaving commerce to find its own level, would be as useful in practice, as it is plausible in theory; or, if it was true, as the political economists teach, that "*products alone create a demand for products*," as would be the case on the foregoing principle, the doctrine would be tenable. But the slightest observation of the ordinary transactions of life, must convince any one of the error of this doctrine. It is reasoning as if producers alone were consumers, which is not true; for while the markets have been glutted with almost every species of commodity, producers themselves have been distressed for want of commodities, and interchangers equally distressed for want of customers. *The ability to command products is not regulated by the power of individuals to produce, or the wants of producers; but by the pecuniary resources of the buyers.* If products alone created a market for products, the money rate of wages would be of no consequence. But as products alone do not create a market, but money, therefore *the money rate of wages is every thing with the producers, as that alone determines the extent of the comforts they can obtain.*

Let it be supposed that the wages of the laborer, which had been 12s. a week, should be reduced to 8s. so long as products alone create a market, and profits and wages rise or fall together, it would make no difference to the laborer; for if he could procure twelve four pound loaves when he had 12s., he would do the same when he had but 8s., as bread and other commodities would fall in equal proportion, and it would be as broad as it was long.

But if a certain number of gentlemen should agree among themselves to make large grants to each other, and to borrow large sums of money, which they have the power of compelling the laboring class to pay the interest of, should the interest in the aggregate amount to 4s. a week, directly or indirectly on each producer, the *high or low money rate* of their wages, and not the amount of their products, would determine the extent of the comforts they could command; for if wages were 8s., and bread 8d. the four pound loaf, they would then only be able to retain six loaves; if wages were 12s., and bread 1s. the four pound loaf, they would be able to retain eight loaves; if 16s., and bread in proportion, they would be able to retain nine loaves, &c. So that the high or low money rate of wages would make all the difference. Such is the relation in which the productive classes of Great Britain have been placed towards the non-productive classes. It is therefore no longer products alone which create a market; but the amount of money each individual can command, and in reference to such relation, it is necessary to consider commerce, in order to form correct conclusions.

It being thus manifest that society has receded from that simplicity of form, in which products alone create a market, the doctrine of leaving commerce to find its own level must fall to the ground, as an axiom of political science. It is not applicable to an artificial state of society—a state of society rendered artificial, not merely by the intervention of money, as a mere token of interchange, retaining an invariable value; but by the creation of a quantity of ideal money, and leaving it to the caprice of speculation, and thereby rendering it liable to great fluctuations of value; whilst fixed money obligations must be contracted without any certainty which way the relative value of money may vary. A state of society rendered still more artificial, by the application and expansion of new mechanical power, and the monopoly of the benefits of that power, by the mere capitalist, instead of diffusing them over the whole of society. Also, by an unprecedented vitiation of national character resulting from speculation. The man who can talk about unrestrained freedom of commerce, in such a state of society, must have the most perverted notions of the principles of legislation. He must be an instrument, whether designedly or not, of increasing the power of non-producers, to prey upon the labors of the productive classes. While the first principles of legislation is to protect the producer in the possession of the fruits of his labor. Industry is beneficial, and idleness injurious. Productive labor is the great source of national wealth. And *it is true policy to prevent the idle from reaping too large a portion of the fruits of industry.*

It has been shown, that the money amount which each individual producer can command, and not the amount of his products, determines the extent of the comforts he can obtain. And that the relation of the money amount of his wages to the fixed money amount, to be abstracted by taxation, or by rent, which is the same thing as taxation, determines the difference of advantage between a high or a low rate of money wages. These two principles kept in view, and the correctness of the following remarks will be apparent.

It was justly observed by an intelligent and influential silk manufacturer of Coventry, some time ago, that “the addition of a fraction of a farthing a yard, for weaving, on all the ribbons made in Coventry, would add £50,000. per annum to the aggregate comforts of its population.” It is true the amount would first go into the hands, and increase the comforts of the weavers; but by the re-action excited by its re-expenditure, it would give proportionate occupation and profit to every other trade and shop-keeping interest, and thereby improve the condition of the whole population of Coventry and its neighborhood, whose prosperity mainly depends on the return obtained for the external distribution of its manufactured productions: the same may be said of every other manufacturing town. Laborers form the most numerous class of

consumers. If they, by their wages, could command a sufficient share of the comforts of life, the money which procures them would flow into every channel, and benefit alike the agriculturist and the tradesman. The infusion of a new pabulum of life into the extremities, would strengthen and invigorate the whole body, whilst low wages, like a gangrene, preys upon the vitals, and exhausts the strength.

So it is with regard to our foreign commercial operations. The whole advantages of commerce consist not in extension of what we send out, but in the amount we can obtain in return. When a man has a commodity to dispose of, he cannot be benefited by giving it away, all his gain consists in what he can obtain in return. This is a proposition so self-evident, as to be at once obvious to the humblest capacity.

It would never enter into the mind of any reflecting man, that extension of exports, without a corresponding increase of imports, could be beneficial to any country.

But any increase of imports beyond the power of the people to command or obtain for consumption, must be worse than useless; as it must embarrass the importer by loss of time, and expense of deposit.

On no principle of national utility can it be possible to increase our commercial operation with advantage; but that of increasing and securing to the people the power to consume foreign productions.

The arts of sophistry, and mistification, and complication, which are very numerous, may be put in requisition to obscure this principle. But put it and them in the crucible of analysis, and they will all evaporate, while that principle remains entire and indestructible. If this doctrine is tenable, which must be believed until the contrary can be demonstrated, what must all the stimulus to expansion by speculation, and the opening of new foreign markets lead to? certainly to the embarrassment of merchants, and the increased derangement of society.

The physical exhaustion occasioned by, and the time wasted in producing beyond equivalents, for such foreign productions as the people have power to consume, might be saved with great advantage to the nation. The laborers would not be so oppressed with hunger, and would have time to cultivate their minds and their morals. No man, if by a certain quantity of labor, say six hours a day, could obtain all that he wants, or can command, would work twelve, if he could get no more by it than by six. If the power of the people of Great Britain to consume foreign productions be confined to a limited amount, why should the people be stimulated to give more than is equivalent in exchange? Let that amount be twenty; if we give twenty in exchange, that is equivalent; if twenty-one, the twenty-one must be depreciated 5 per cent; if twenty-two, 10

per cent; if we increase the quantity given to forty, against twenty received, that forty must be depreciated one-half. However preposterous such an operation must appear, one indeed that might be supposed could only have an existence in the crazy imagination of some half superannuated visionary, yet, unhappily, *the history of British commerce*, in later years, is a practical illustration of the above analysis, and *will ever remain an opprobrious monument on the intellectual and legislative capability of the age.*

What possible advantage can arise from such excess of export to the nation? None whatever. How then, some would be ready to say, "is it possible our merchants, who are considered to be the most intelligent men in the country, in such matters, should be such fools as to carry on and extend their commercial operations without *certain benefit?*" Let it be recollected, that public opinion may be led into mistakes about the commercial intelligence of our merchants, as well as on other subjects. There are among them men of high general intellectual attainment, and some of much practical commercial experience and knowledge. And there are a few, a *little* few, that have a considerable knowledge of the general principles that govern commercial operations; but I must be permitted to say, that I do not believe there is one in a thousand of them. I am doubtful even if there is one amongst them that understands the complicated involutions of the commercial system. And as to the greater portion of them, however respectable they may be in their general transactions, their acquirements or connexions, are as innocent of all knowledge of the influential principles of commerce, as the generality of practical mechanics are of the principles of mechanism. Merchants are but men, men too, who think they have an interest distinct from the rest of society. What did Burke say of merchants?—"a merchant is a man of no country; his idol is gold; his ledger his Bible; and he has no faith but in his banker." If in the days of Burke, when the character of English merchants was at the zenith of excellence, he was warranted in saying so much, is there any thing redeeming in their characters in later times? What said Playfair, in the year 1819? and who is there that can question his doctrine!—"Let the world judge whether the present race of British merchants be equal in point of credit, character, and respectability, to those of the last generation. I know that there are very many members belonging to the mercantile body, whose character and conduct are so pure and just as to require no commendation. But I assert, that the *general character of mercantile men is degraded, as compared with what it was twenty-five years ago*; that this degradation of character has been brought on by wild speculative habits; and that these habits have been much facilitated and encouraged by our present monetary system." There is no truth on record more incontrovertible than the above, or more applicable to the present commer-

cial operations. And it will be shown to be equally incontrovertible, that it is the direct tendency of our present ministerial money-jobbing to stimulate such wild and speculative habits. With all the glowing colors and tinsel glare by which the commercial system is bedaubed by popular declaimers, however well paid for declaiming, and by their dupes of admiring adventurers, never did painted beauty yield more putrid matter to the probe, than this will do to its deluded admirers. How is it then, that men of respectability, and solid sense and virtue, will adventure on expanding their operations? Why in some foreign market, in which they do business, there may be a great demand for the produce of English labor (and, by the way, there would be sufficient foreign demand to call into occupation all our unemployed laborers, if we might be allowed to consume such foreign productions as they would be glad to give in exchange; but that is not the case), as for some particular articles of British produce, there is frequently a brisk demand; and if the parties to whom they are sent are equal in respectability and responsibility with those who send them, the return is sure. Well, that would stimulate even the most respectable merchant, and would be highly commendable; but then, *as the power of the British people to consume foreign productions is limited to a given amount*, by the very circumstance of such respectable merchant being induced to send out an increase of quantity, and getting *his* equivalent, it leaves so much less to be distributed among other merchants; and the consequence is, that the whole is depreciated in value in proportion as the quantity exported is increased. Yet no one sees this; not even the ministers who receive the public money for the purpose of looking after our commercial concerns. To them the public look, as do the soldiers in an army to their general, or chief; but if their chief knows not where the enemy is, if that enemy be in the midst of his own troops, and he not know it, or if he withhold the rations from his own soldiers, and throws them into the hands of his opponents, what soldiers *could* fight with success under his command! so it is with our commerce, the ignorance of its superintendants may involve the whole class of producers and interchangers in ruin.

If foreign commerce were carried on for its only legitimate objects, *the export of a country could not be too great, while the producer of commodities had any wants to be supplied*, and foreigners had equivalents to give: *but as the power of the people to command products is not determined* by what they can themselves produce, but by the money they have to dispose of, their consumption of foreign productions must be limited *by their money means*.

It may be said, that if it is the money means that determines the extent to which the people can command products, *it must be an advantage to sell our goods to foreigners for money*, as that would increase the means of the people. Such an increase of money, however, would not increase the means of the people to buy foreign

products, for it would increase the price of commodity against consumers, in the proportion that it bears to the aggregate amount of money in circulation.

If the number of people in a country were two millions, and its circulating medium two millions, the price of all commodities would bear a certain proportion; but if the money should be increased to four millions, while the number of people and its transactions remain the same, the price of all commodities would be double what it was when there was only two millions; if to three millions, the price of commodity would be increased one-half, and *vice versa*. And the very circumstance of carrying produce from a country where money abounds to sell it in countries where money is scarce, would render it necessary for the producer to work at low wages in order to effect such a sale. Thus carrying on foreign commerce for money instead of produce, would have the effect of raising the price of commodity to the British producer, and lowering his wages at the same time—diminishing his means of consumption both ways. The evil of selling produce for money, in countries where it is scarce, are not confined to the foreign transactions. For by the same rule, as the British producers must work cheap in order to sell in foreign markets, they must be compelled to work cheap, in order to sell in their own. Thus they would not only not be able to purchase foreign produce, but be compelled to multiply their hours of application, in order to procure a mere subsistence. Many merchants who sell for money, say to the manufacturer, “you must let me have the goods *cheap*, or I cannot sell them;” accordingly wages are reduced to enable them to *sell cheap*. It is true that the producers would resist such a reduction of wages if they could; but while the supply of labor exceeds the demand, and machinery can be brought into competition at half the cost of wages, the laborers cannot help themselves; they *must* work for low wages. Should the merchant buy foreign productions with the money for which he sells his goods and bring them home, he cannot find a market for them. He left so little to be distributed among the producers of the commodities he took out, that they have nothing left to buy what he brings in return, so that to effect a market abroad, he destroys his customers at home.

Many merchants and tradesmen make very light of the laborer. They think if *he* has enough to enable him to perform his labor when employed, that is sufficient; indeed they do not care if the laborer has part of his subsistence at the expense of the parish, so that they can have their goods *cheap*. But this shows that their ideas do not extend beyond their ledgers; that they never think about principles, cause and effect: for they can only realise returns to the amount of the power of the people to consume foreign productions, and that power depends on the money rate of wages. Indeed, many seem to think it is sufficient if non-producers can be consumers of foreign productions, or their principles of action lead to such a

conclusion. But if the power of some of the non-producers to consume foreign productions be increased, the number of such consumers is obviously diminished in the same proportion.

If foreign trade was carried on for goods alone, and not for money, it would be of no consequence what the wages of labor were in *any* country; for where they were high, the laborer would be able to give high prices for foreign products brought in return, and where they were low, by the same rule, he could only give low prices.

We often hear of English cottons being sold for less money in foreign markets than they cost making at home, and many say it is no wonder then that there are so many bankrupts. But this is the necessary consequence of the scarcity of money in such markets. As no people can give what they have not at their disposal, no insolvency among merchants need necessarily to follow such underselling in money price what the articles cost making.

For, suppose an English merchant were to take out 3000 hats, each of which cost him 10s., and a French merchant were to take out an equal number, of equal quality, which cost him only 5s. each; suppose they were both to go to the same foreign market with the hats, the English merchant could get no more for his hats than the French merchant. It might be said, "then one must get great profits, or the other have great loss. We could not compete with them on such terms." The English merchant, however, would get as much of the *produce of the country* for his hats, as the French merchant; and if they carried that produce home, where the French laborer had 5s. to lay out, the English laborer would have 10s.; so that supposing the proportion of wages to profits were the same in both countries, the cost of the hats would make no difference. Suppose even that the English merchant sold his hats for 5s. each, yet if with the money for which he sold the 3000 hats he could buy 1000 quarters of grain, which he could bring home and sell for 45s. per quarter, he would then get 50 per cent profit on his outlay, towards defraying the expense of freight and other incidentals, and himself and the country would be gainers by the transaction.

If the goods be sold to raise a *money* amount, however, in a country where it is scarce, that are produced in a country where money abounds, it is quite clear, the producers in such a country must give high prices for their provisions, while they must work cheap to effect such sale of their productions.

For, suppose the circulating medium of Great Britain to be 20 millions sterling, and one million sterling of gold should be imported, and converted into money, or the Bank be allowed to take up that gold, and issue paper to the amount, which is the same thing, the transactions being the same, it is quite clear, that commodities would increase in price 5 per cent. If two millions be added to the circulating medium, they would be raised 10 per cent; suppose

this money came into the hands of individuals that should lay it out in land; demand for land would raise the price. We frequently hear it stated in proof of increasing national wealth, that a quantity of land, which some years ago was bought for £400, was sold for £800 or £1000. The land however was the same. It might, indeed, have been somewhat improved from the time it was bought for £400. The parties that so purchase it, expect to raise interest on their money by the proceeds of the land, as well as those who had bought it for so much less money; and the price of its produce must be raised to effect this increase of interest, so that the British laborer is obliged to give more for his provisions on that account.

Suppose individuals held this cash in hand, and there should be intimations of a limited supply of any article; say sugar; they can go into the market, and without any intimations of their design, offer an advanced price, simultaneously, to all the holders of sugar. They lay their hands on the greatest amount in the market, and by withholding it, raise the price to the consumer equivalent to a tax. Thus, in whatever way the increased quantity of money may be employed, it produces disadvantage to the British laborer by raising the price of provision against him.

If, however, the transactions of internal and external commerce were confined, as far as money is concerned, to the precious metals, the disadvantages to the British laborer would be comparatively small. There would then be a natural tendency to equalise the money in circulation, in the various countries. Instead of its tending to accumulate in any one country, it would naturally find its way to those countries where money was of greatest value, that is, where most commodity could be obtained for it: and consequently it would nearly confine commercial transactions to a system of barter.

Barter is the most reciprocal rule in commercial transactions; and was it to be uniformly practised what the economists teach, viz. that "products alone create a market for products," would then have something like truth in it; but it is to be lamented, that the reciprocal rule of barter has now sunk into disuse.

We, however, have lived to see all those checks to abuse abandoned, which the establishment of a metallic currency of invariable value, in relation to the quantity of the precious metals in any given amount of money secured, by the speculative expedients of the year 1797, and subsequent periods. And although the Bank Restriction Act was abolished by what was called Mr. Peel's Bill, in 1819, which produced a new derangement of society, and which gave rise to a new discussion of the question of currency, in which there was as great a display of philosophical research as ever was unfolded within the walls of the House of Commons, yet none appear to have understood the true principles of currency. A metallic currency would, by its limited quantity, preserve an equilibrium; but is far

from being the best that could be adopted by an efficient administration. But unfortunately they stumble on this subject; as well as on the commercial and financial systems; the good they do is by accident, although they may design well.

It is not possible that any thing could be worse managed than our present monetary system, in this advanced state of human knowledge. Certain it is, nothing could be more injurious to the laboring class; for the evils of our commercial operations for money arise chiefly, as far as money is concerned, from the speculative creation of ideal money, without regard to any fixed principle of effective legislation, although the act that repealed the Bank Restriction Bill was imperative, that the Bank of England, and country banks, should not issue more bills in amount than they had gold to meet. The numerous failures of country banks are conclusive proofs of the inefficacy of that condition. The banks have issued paper to the land owners, on the security of their lands, and that has increased the amount in circulation, and thereby nominally increased the money value of the land. The government have 30 millions of exchequer bills afloat, originally issued to prevent a resort to increasing direct government taxation. But, by such expedient, they evidently lay the public under a heavier taxation; the price of commodity being increased thereby: for suppose the Bank of England get possession of seven or eight millions of exchequer bills, it is quite clear they could issue their own notes to the amount of the exchequer bills they hold; and should the government require of them to produce gold for their notes, they would immediately turn round on them and say, "give us cash for your exchequer bills, and we will find gold for our notes."—There are other government expedients, and of the most useless and profligate nature, that have a direct tendency to produce similar results, which cannot be explained here, it being incompatible with the present purpose. However, such expedients throw an imposing appearance over affairs, and many realise great gains by the operations, and compliment the measures that secure them. As there is evidently a much greater disposition, on the part of ministers, to attend to the representation of those who have an interest in flattering, than to those that have the hardihood to speak the truth; they come down to Parliament, and congratulate the country, and compliment each other on the wisdom of their measures, and the splendid results to the country. Presuming on the delusive appearances thus created; stimulated by the example of more distinguished speculators; fired by the prospects of great profit, and the golden harvest held out, all the subordinate ranks of fortune-hunters speculate on their credit, from the merchant to the porter. A tradesman having a *bonâ fide* transaction to the amount of £200 only, draws a bill for £600, and allows the other party to draw for £400; thus £1000 is created out of a £200 transaction. It is not intended to denounce

such transactions, if the means of the parties are equal to the obligations. The moral part of the question will be a subject for future discussion; it is the magnifying influence of such transactions on the circulating medium that is under consideration here. Again, an advantageous bargain is offered, and, presuming on their credit, mercantile houses overdraw their means; and, while chances are favorable, great profits are often realised. By all these speculative operations, conjointly, viz. exchequer bills, bank notes, and bills of exchange, added to the real substantive currency, the amount is more than doubled; and from such doubling, the price of subsisting commodity is more than doubled to that of other countries to the consumer. It is remarkable, that while these expedients have full swing, *the Minister* exultingly says, "capital is floating about, seeking profitable employment;" but, should a few of the bubbles blown by such speculative expedients burst, the *newspapers* cry out, there is a scarcity of money in the market.

It is this extensive creation of ideal currency and speculation, which, by raising the price of all commodities, constitutes the disadvantages of foreign commercial transactions for money, instead of those for real commodity. It is hardly necessary to say, that it secures great advantages to a few of the fortunate speculators in such transactions, who have the example of their rulers to plead in justification, while it exposes the fair tradesman, who endeavors to obtain a creditable living, by honest industry and fair competition, to great difficulties. It prevents any aggregate advantages to the nation, by an extension of exportation of the products of its industry, precluding the producers from being consumers of such foreign productions as could otherwise be obtained in return, and who are therefore obliged to work without that reward which *alone* can sweeten labor.

It being the lot of British laborers to live in a country where there is so much ideal money in circulation, tending to enhance the price of all commodity against them, while the products of their labor are exported to countries where ideal money has no effect on the price of provisions, and are there sold for a money amount, it is not possible for British laborers to compete on such terms, unless they double the application required in foreign countries to enable them to obtain subsistence.

Much is said about the necessity of competition with foreigners, and of our ability to compete. A sapient and paternal statesman says, "the English work so much harder than foreigners, that they can afford to work *cheap*;" and, says another, "*they must work cheap*, or how are we to compete with foreigners." We are also told of our machinery enabling us to work cheap. If the benefits of machinery were diffused among all classes, instead of being monopolised by the capitalist, and brought into competition against the laborers, we might be able then to compete with more advantage

against such an overwhelming speculative creation of ideal money. But in order to effect a foreign competition under such a perversion of principle, the English laborers, though they have multiplied vastly in their numbers; increased in the intensity and hours of their application; put their wives, their daughters, and children in their infancy to productive occupations, and though they have racked their inventive faculties to increase their productive power, they are still limited to the aggregate consumption of a diminished amount of domestic and foreign comforts, since the years 1791-2, as will be shown and fully established hereafter.

Such being the obvious tendency of foreign competition for money amounts, under a speculative unregulated creation of ideal currency, and such being the incontrovertible consequences of so great a perversion, the man that can talk about leaving things to find their own level, however amiable he may be in his natural disposition, should be transported into a country emerging from barbarism, and labor to irradiate their benighted minds with his illuminations. The people that can be induced to bow to such dogmas, in a country so pervertedly artificial as Great Britain has become, should monopolise all the benefits of his doctrine. But Heaven protect them from such delusions, and the mischievous consequences that must follow. Whatever pedants may teach, as an Englishman that must be involved in the consequences, I assert, that it is the imperative duty of those that receive our money for managing our affairs, on a presumption of their legislative wisdom, to adopt regulations commensurate with, and adapted to the circumstances in which those speculative measures have placed us.

It is quite obvious, that, with many people, nothing is deemed essential to the orderly conduct, well being, and happiness of the British laborers, but plenty of employment. It is certain, that no people can be more orderly and happy, if with plenty of employment they can obtain its fair reward. Because, there is no people more naturally industrious, more ingenious in devising effective productive power, or more susceptible of intellectual attainment and moral improvement. But it is a phenomenon in society too extraordinary to exist to a great extent, for a people to be industrious and usefully inventive, and to submit to privation, and still be orderly and happy. They may, indeed, be quiet, but it cannot be the quiet of happiness, but the quiet of apathy, arising from a broken and subdued spirit. This is the present state of the great mass of British laborers.

It was said by the late Lord Londonderry, that "it would be well to keep the people employed, if it were only to dig holes and fill them up again." Even that would be better than the present commercial system, as far as regards the quantity exported over and above the substantial equivalents received in return. Not indeed if the mischief ended with the foreign transaction. For

then it would be highly creditable to the benevolence of the British nation to say to foreign countries, "It is so necessary to the comfort of the British people, that they should be well employed; but it would be so injurious to their habits and characters, to give them the full reward of their industry; and such is our paternal concern to make them happy by keeping them employed; and at the same time to preserve their characters from being injured by excess of enjoyment, that we invite all you foreign nations that are not so fond of work, to send over to us your raw materials for manufacture, and we will return them to you in a manufactured state, free of cost; and thus the happiness of our laborers who are so fond of work, and you that do not like work, will be promoted at one and the same time." This may appear very fanciful, but our transactions with foreign countries, not under British dominion, as far as substance is concerned, leaving money out of the question, the injurious influence of which, on commercial transactions, has been already shown, and however fanciful, it will then be found a reality in practice. Take, for instance, the year 1822, and it will be seen that our exports for that year, to foreign countries not under British dominion, were £44,523,000: our imports from the same only £16,617,000. £10,500,000 of those exports were colonial productions re-exported, the equivalents against which would take £10,000,000 from the £16,617,000 imported, so that the amount is not £16,617,000 in return for £44,523,000; but £6,617,000 against £34,523,000 exported: and estimating the raw material for manufacturers at 20 per cent. it would take the £6,617,000 of raw materials to make up the £34,523,000 exported. So that what has been stated, however incredible it may appear, is a practical reality—and who can controvert it? Let him who can.

But, however kind and benevolent this system may appear, it would be better for English laborers, if the labor they bestow on this excess of manufactures exported were employed even in digging holes and filling them up again, as far as regards the aggregate of comforts that would be distributed amongst them; because, in that case, the mischief would end with the labor. But in the case mentioned, so much deficiency of foreign equivalent, withheld from so great an export, effects a corresponding depreciation of money value on manufactures for internal consumption, and thus the British laborer is despoiled both ways: that is, both by what he produces for exportation, and that for home consumption. The idlers abroad reap the benefit of our excess of export, and the idlers at home, having fixed money incomes, enjoy the benefit of reduced wages, by the cheapness of the manufacturing commodities they consume. The British laborer is not only injured by the foreign excess, and the domestic despoilment, consequent on the depreciation effected by that excess; but by the want of that re-active and exciting influence, which the rapid

circulation occasioned by the re-expenditure of wages produces; *wages being the determining principle of consumption*. The more ample they are, the more they would add to the aggregate amount of comforts consumed; and consequently the greater amount of productive inventions and manual power would be brought into occupation, and none that are able to work would have need to go to the parish, to depend on their friends for assistance, or to starve; for it should be *kept* in view, that we are in a predicament so totally different to all former periods of distress which have arisen for want of production. Lord Liverpool said very sagaciously, "we are distressed, because we produce too much." Yet, with all the foreign waste already in operation, and all the despoilment of non-producers at home, yet tens of thousands are distressed for want of employment, while hundreds of thousands are laboring and struggling with privation, at the same time. From whence arises the excess of production? Does it arise from the wants of the people being too limited to absorb it? No! It arises from the fact, that the *rate of money wages determines the power of the people to consume*. But with this incontrovertible fact, staring every man in the face, it is the direct tendency of the existing system of policy to keep down money wages, and keep up the price of subsisting commodities at the same time. A standing libel on British legislation, which time will never efface; such a perversion of the legislative principle, cannot certainly be the object of choice. It is, therefore, the result of that want of knowledge which ought to be possessed by those who accept the public money for managing its affairs.

It may be said, that to suppose our rulers are strangers to the principles in operation, is to suppose they are precluded the use of their common understandings. It has *even* been admitted by a committee of the House of Commons, appointed to inquire into the operation of the poor laws, that "there is a disease existing in the state, that threatens to undermine the foundation of society." But this was said in reference to the amount of parish rates, which is the natural result of the policy described. However, that portion of the poor rates which is distributed among laborers employed, or who are able to work, is only so much withheld from the fair reward for labor, to be distributed through the more degrading and demoralising medium of the parish, by taxing the public for the supposed benefit of individuals.

When the panic that has already set in among the mercantile part of the community shall have worked that general wreck, which cannot be obviated by any palliative measures; the mass of the laborers will be thrown on parish rates, and by preying on the middling classes, with a force as irresistible as an overwhelming flood, will at once plunge them into the ranks of poverty. Already has the severity of poverty extended its influence, and

blunted the feelings by its commonness, against the distribution of parish relief; so much so, that even in London, where the greatest portion of active excitement prevails, and ample wages are distributed, occasioned by the concentrated re-expenditure of taxation, it is not possible to pass the streets without witnessing numbers of able-bodied men, in the prime and vigor of life, in the most forlorn and appalling condition; while many of those, who from their connexions are obliged to keep up appearances of decency, and by anguish, both mental and moral, which is concealed from view, suffer more than the *visible* objects of misery. It is impossible for men of solid information to pass one of these miserable objects without deprecating the folly of the system that entails it, and without ineffable indignation at those who, amid such scenes, can applaud such a system!

Many that witness these scenes cannot account for them, and are ready to attribute them exclusively to the improper conduct of the parties themselves. *Many*, unquestionably, are deserving of reprehension; but the circumstances which influence some of the best intentioned persons, and over which they can have no control, compel them to do things, which, if done forty years ago, would not have been tolerated in society.

By a recollection of the principles already laid down, and an attention to the facts about to be exhibited, the causes of such degradation will be sufficiently obvious, and be the responsibility on them to whom it belongs. For the credit of the country, and for the respect justly borne to wise and good rulers, it would be well if they could be controverted.—But let them be put to the test.

The quantity of British produce exported, on the annual average of the three years, 1790-2, was £17,135,000, which had increased in 1824 to £51,718,000. But the amount of foreign productions imported, retained for home consumption, only increased from fourteen to thirty millions; out of which there was an excess of seven millions imported from the West and East Indies, and China, and Ireland, the result of slave-labor, monopoly, and human degradation in those countries, and not at all as equivalents for British productions exported, and also to the amount of two millions more to defray the interest on foreign loans. These amounts subtracted will leave the proceeds only £21,000,000, to be distributed in profits and wages, for a quantity of fifty-one millions of British produce exported.

Estimating the raw materials required for the thirty-four millions excess of exports in 1824, beyond those of 1790-2, at £6,500,000, and the imports held in stock for want of customers at £5,000,000 (both of which are under-rated), and the surplus drawn from the slave-labor, &c. for the sole-benefit of a numerous non-productive class, and it will be found that there are even less foreign products distributed among the people at large at the present period, than in 1791-2, notwithstanding the vast increase of exports.

In consequence of the stationary amount of imports, although the quantity exported in 1824, on the annual average of the ten years, 1798—1807, had increased from twenty-four to fifty-one millions, *official values*, the *real value* had not increased more than from forty to forty-one millions, and wages, and consequently the means to consume subsisting comforts, had fallen one-half. Thus, with an *increase* of four millions of people, and of labor among producers, machinery, and all the aids derived to production by women and children, the increased physical exhaustion consequent on such increase of exertion, and the increased number of non-producers, and luxurious living among them, the amount of subsisting comforts consumed had scarcely increased.

The excess of exports over imports in the three years, 1822-4, would in the ten years, 1798—1807, have sold for nearly as much money as would have paid the taxes of the last three years. During the late war, the *excess of exports* over imports, which was 500 millions, went to defray the external expenses of the war; but now there is *no war*, the *excess* is even greater. The excess, too, is more than is distributed in wages, among one million of producing families, containing 4,800,000 persons, with the poor rates thrown into those wages.

The whole, producing an *unexampled extent of privation* in subsisting comforts—of *mental subjugation*; which must precede application for parochial relief—of *social degradation*; for they that accept relief are degraded in the estimation of themselves and others, and at least one-third are so degraded—of *abject submission*; as the lowest price at which protective justice is administered, is out of the reach of their *money means*—of *moral debasement*; the committals for crime having been quadrupled in less than twenty years, the number being in 1805, 5600; and in 1823, 22,099: there were 72,000 committals in the ten years, ending 1819, 14,000 of whom were acquitted, and against 11,000 of whom no bills were found, after many of them had been in prison nearly six months. It is said that not more than 25 per cent. on the whole amount of crimes are detected, the science of theft having become more perfected than that of legislation. Whether these facts be considered in relation to the insecurity of property, the demoralisation of character, the severity of the laws, or the arbitrary disposition of magistrates, they present subjects for contemplation, equally appalling. *The whole of these derangements of society are mainly attributable to the errors of our monetary, financial, and commercial systems*, and will furnish the subjects of the following analytical exposition.

It has been stated, that the exportation of British manufactures had increased since the three years, 1790-2, from seventeen to fifty-one millions in 1824, while the imports had only increased from fourteen to thirty millions. But when the seven millions of imports that come in, over and above the quantity sent out to our foreign

possessions, are deducted, with the two millions that are applied to the payment of the interest of loans to foreign countries, it will only leave the proceeds of twenty-one millions to be distributed in profits and wages, against the fifty-one sent out, except the bills that are created by the foreign loans, absentee, and other foreign expenditure on British account: which will be explained hereafter.

Suppose an English manufacturer has done business with Ireland to the extent of £10,000 per annum, or sent out goods to that amount; and that he had landed property to the amount of £2000 more, he would expect £12,000 per annum from Ireland. How would it be raised? Ireland must send its natural and artificial produce to England, and sell as much as would place bills to the amount of £12,000 to the manufacturer's account. But the £2000 that comes in on account of rent would have no connexion with his trading concern, and would not, therefore, be appropriated in profits and wages. This is precisely the case with all that comes in from our foreign possessions, on account of the East India monopolists, West India colonial and slave proprietors, and Irish absentees, beyond equivalents for the amount of British produce exported to those countries respectively. And further, a great portion of the surplus drawn from the East and West Indies is re-exported, and, it must at once be evident, that what comes in return for such foreign productions re-exported, is so much withheld from what would constitute equivalents against British produce exported; so that a two-fold injustice is inflicted on British laborers; 1st, by depriving them of the consumption; and, 2nd, by absorbing the equivalents that would otherwise be obtained for distribution in profits and wages.

The internal consumption of the surplus drawn from our foreign possessions, at the expense of the physical degradation of the productive classes of those possessions, operates precisely on the same principle as the internal re-expenditure of taxation (with this difference, that it is taxation, at the expense of colonial labor, instead of British labor); whereby, in addition to sustaining a number of non-productive consumers, many of whom must otherwise become producers, or go to the parish, it gives an undue benefit to certain classes of interchangers, by the mode of its distribution. The benefits diffused by the re-distribution of internal taxation among some interchangers, and even producers, are more than counter-balanced by the privation and inconvenience occasioned by the collection; but, after all, the amount of government taxation, in 1825, as compared with what it was in 1791-2, which most people consider to be the great cause of national difficulty, is not equal to the excess of products resulting from the increased physical exertion of the producing families of Great Britain, independent of machinery, and is, therefore, insufficient to account for any of their degradation; as can be demonstrated. The great evils that are produced by

taxation are more the result of the injudicious manner in which some are levied and re-distributed, than in the aggregate amount.

It must not be understood that the products of British industry exported to our foreign possessions all go to be distributed in profits and wages, among the producers of the commodities imported from thence, as a great portion goes to defray the expense of soldiers, and other non-productive consumers, who are employed to enforce the exaction of the labor necessary to produce the surplus drawn from those possessions.

There is another account to be deducted from the imports, which should constitute equivalents for British produce exported, and that is, the interest paid on loans to foreign countries. For how is the interest paid? Suppose it be in money; then it would tend to raise the price of provisions against the consumer, as already shown. In what way is the interest paid? Suppose from America. A quantity of American produce is sent to England, and bills are drawn on England for the goods; the American Government buy the bills of the American shippers, and send those bills over to their agents for their debt in England; the agents get the cash for such bills from the parties to whom the goods have been sent, and with that they pay the dividends to the holders of American stock. This is all very well so far. But then, as the power of the people of England to consume foreign productions is not increased by such transactions, all the amount absorbed by interest on American stock is so much withheld from what would otherwise be sold, to be distributed in profits and wages for goods exported. The same applies to all other foreign stock held by the British capitalist. I have not been at the trouble to ascertain the nominal amount of foreign stock created, or the actual amount drawn; it is believed the interest on the same is equal to £2,000,000 annually, and of course is increasing by every fresh loan, and may go on to increase until it absorbs the whole proceeds of the imports. There are scarcely any who speak on the subject of foreign loans, but who appear to think they *must* be beneficial, as they lay foreign countries under a tax for the benefit of Great Britain. They may benefit the individuals who lend the money, but not the country; it being the British laborer that pays the tax; not directly, but by the amount being withheld from that which would otherwise be distributed as a reward for his labor. Dispute this who can!

Foreign loans are created as follows: viz. the Emperors of Austria or Russia, or any foreign potentate, wishes to effect some great object. France may want money to enable her to fight the Spaniards, the Spaniards to fight the French; or they want it to fight against British interests; no matter what. Suppose the Emperor of Austria wants a million, he applies to British money-jobbers, who agree to advance the money by instalments at a given time, on certain conditions, viz. that a nominal amount of stock on Austria shall be

created of a million and a half: for which, the Emperor authorizes the contractors to fabricate bits of paper bearing the Imperial arms of Austria, on which he promises to give £100, at some time or other, and £5 per annum interest on each of these bonds, until the Government of Austria refund the money borrowed at the nominal price. These bonds are given for a consideration of £75 each, by the contractors, who are allowed a commission, or bonus, for the sale of them. The contract made, the bonds are offered for sale: the money-jobbers, in the mean time, send orders to their agents abroad to draw bills on them; these bills are sent to Hamburg, the great bill mart of the north of Europe, or to other parts to which British merchandise is exported; and in addition to the bills created by the produce of foreign countries imported into England, the English exporter can obtain the bills of the jobbers as above, made payable in London, with which he in part obtains his reimbursement; and this adds so much more to the proceeds from the imports that are left, after the abstraction before described, and so far tends to *keep up* wages and profits. The same may be said of the *whole amount* of foreign loans, of absentee expenditure, and all foreign expenditure on British account. How these things operate in their various involutions will be hereafter explained. The object here is to show the immediate effect on profits and wages which they produce.

It has thus been shown, that out of the thirty millions of imports retained against fifty-one sent out, seven of them must be deducted, on account of the proceeds going to the slave proprietors, monopolists, and Irish absentees; and two millions on account of interest paid to the holders of foreign obligations, making a total of nine millions to be subtracted from the thirty, which leaves only twenty-one to be distributed in profits and wages, or an excess of thirty given, beyond what is retained for the above purpose, exclusive of foreign loans and other foreign expenditure on British account.

If the above be correct, or any thing approaching to correctness, what becomes of the doctrine, promulgated with such avidity, to silence the ignorant clamors of a laboring, but famishing population, by the modern *luminati*? That they do not understand the principle that regulates wages, which they say is "supply and demand." The amount of wages is not determined by the proportion of supply to demand, but by the proportion of the power of abstraction. Mr. Huskisson, in common with the other political economists, deprecates the *artificial* regulation of wages, as if *money* wages were not altogether artificial: but not one of them that were ever heard of, deprecates the artificial abstraction from wages, that has here been described. It may not be improper also to state, that if the first principle of government, as has been shown, is to protect men in the secure possession of the products of their industry, or of

such products as others are willing to give in exchange; when for the convenience of interchange, it becomes necessary to have artificial tokens, it becomes equally a legislative duty to secure to them such an amount of these tokens, as will obtain them equivalents of products, in exchange for the fruits of their labor. As the Member of Parliament, that could see such a principle to be correct, would be reckoned a madman, if he were to say such a thing, in these enlightened times, in the Honorable the House of Commons; so will the man that has the temerity to say such a thing out of that Honorable House, should nothing worse befall him. Yet, as Galileo said, on his recantation, when he was liberated from prison, to which he had been committed for teaching the people that the earth revolved round the sun, "It is nevertheless true." If the above doctrine be true, how is it that the man who dares give it utterance, is to be covered with obloquy? It is because the principle of selfishness, when *unrestrained*, overreaches itself. It blinds the eyes, and perverts the understanding, even of the learned. It must be obvious to any one that takes a comprehensive view of the principles of modern legislation, that their tendency is not to protect the producer in the possession of the fruits of his industry, but to enable those consumers, who have fixed money incomes, to buy *cheap*, without regard to the comfort of the producers; who, if they cannot obtain sufficient for their subsistence, have the *comfortable* alternative of resorting to parish relief to supply the deficiency. By thus legislating backwards, ample work is provided to keep legislators in active occupation, as it renders indispensable a multiplicity of expedients to keep the system together.

No truth is more clear than the axiom of Dugald Stewart, viz. "That in proportion as society advances towards perfection, the number of laws will be progressively diminished, and legislation itself become gradually simplified." Nothing then can be more conclusive, that British society is in a course of retrogression, than the multiplicity, the verbosity, the complication, the frivolity, inadaptation, and consequent inefficiency of the annual labors of modern legislators.

Lessons of legislative instruction are clearly deducible from the laws of the universe; but, for those who yield to the influence of *undue* selfishness, nature and truth instruct in vain.

The laws of nature and the laws of society entail a fatality on all perversion; which renders the fruit more bitter than the bud was blooming, and anticipation devours all the pleasure. Many blooming hopes have been held out by the *enlightened* projects, as they have been called, of the last two or three years; and the brilliancy of imagination, and the fascinations of sophistry, have been laid under contribution, to increase the enchantment. Mutual and loud congratulations, "There never were such times!" have resounded and reverberated from every quarter: none could imagine that there

was a worm hidden at the root of the gourd they were so fondly cherishing, which would lay it prostrate at their feet; and if any one had seen it, few else could be induced to look at it, if pointed out to them. "What," has been asked, "can any body that is not a statesman, know more than our very enlightened and popular rulers, *who have every means of knowing the real state of the country.*" "The time is gone by to talk of commercial regulations, the enlightened measures of Government are acknowledged on all hands." Warehousing bills, reciprocity bills, combination repeal bills, have been enacted, and new markets have been opened to us. "Our commerce is in a flourishing and prosperous condition." Hear what that excellent and candid Minister (and worthy man I believe him to be) Mr. Robinson says, "We have fertilised the whole world with our commerce."

The vast, the unbounded prospect
Lies before us.

But I cannot add, said he, that

Shadows, clouds, and darkness rest on it.

"It is time to cut the cords which tie our commerce down to the earth, that she may spring aloft unconfined and unrestrained, and shower her blessings over every part of the world. This is the finest opportunity for the country to emancipate itself from ancient prejudices, and make a new start in the race for national wealth." "Is not our revenue flourishing, our manufactures in a state of universal activity, and capital in search of profitable employment?" "Parliament may now contemplate with proud satisfaction the result of its own labors; it may look around on the face of the country smiling in plenty, and animated with, what I hope soon to see, unrestrained industry. It beholds comfort and content, prosperity and order, going hand in hand, and dispensing from the sacred portals of an ancient and constitutional monarchy, all their inestimable blessings amongst a happy, a united, and let us never forget a grateful people."

What could possibly be more pretty, or more delightful, if real? If real, 'twas,

Transient as dew drops on the bell.

'Twas a description worthy of

Those blessed ages of our onward race,
When no infirmity, low thought, or base desire,
Or wasting care shall more deface
The semblance of our heavenly sire.

Or, leaving the elysian fields of poetry into which Mr. Robinson's glowing tropes have wafted us, it is a picture worthy of those times when the simple, obvious, and incontrovertible principles of national policy shall be in operation, *that do not remain to be*

discovered, but which will be fully developed, when the prevailing fairy and delusive opinions shall be sufficiently subdued.

How unlike in substantial fact (and how melancholy the thought) was this rhetorical display, to the simple and unaffected glow of patriotic fervor displayed by a predecessor of the present Chancellor of the Exchequer in 1792? when Great Britain had a population, participating to an extent unprecedented in the history of nations, in the "wealth that consists in the comforts and enjoyments which the people, both rich and poor, possess beyond the common necessities of life;" when she had a revenue exceeding her expenditure, with a gradually diminishing taxation, he prophetically said, "We may yet, indeed, be subject to those fluctuations which too often happen in the affairs of great nations, and which it is impossible to calculate or foresee." 'Twas unhappily too soon verified. A finer display of simple, pure, patriotic, senatorial eloquence stands not on record than Mr. Pitt's speech on that occasion. However the political tergiversation, and the subsequent results of the policy of that statesman are to be deplored; it is impossible not equally to deplore the absence of such ministerial talents, united with political virtue, in the present times. With such ministerial talents, and such means, England would not remain in its present difficulties.

It must be evident to every one that could pierce a thought beneath the surface of that external glare, by which the present Chancellor was surrounded, that the pictures above exhibited were overdrawn. The figures touched by the Ithuriel spear of truth would have shrivelled up, like those of another Minister, almost as popular, who, in the ensuing month, in a speech almost as inflated, said, in reference to our cotton manufactures, "At this period (March 1824), incredible as it may appear, the exports of cotton manufactured goods alone amount to £27,337,000." The Parliamentary return for 1823, (and which was most to be believed? both could not be believed!) shows that the *real value* of the cotton manufactured goods exported was only £13,750,000, and cotton spun into yarn only £2,625,947, making a total of £16,377,000, being nearly eleven millions less than what was stated by the President of the Board of Trade, and not a single Member of Parliament, or public commentator, to point out the untruth of such a statement. It will be found too, on examination, that even the above amount has never been realised. At the very time the above statement was made, there were several cotton-weavers giving evidence before a Committee of the House of Commons, appointed to inquire into the operation of the Combination Laws; on which subject a future opportunity will be availed of to show, that no combination can possibly be of any benefit to the mass of laborers, under the existing systems of commerce and finance. The cotton-weavers, on that occasion, bore evidence that they received only eight shillings for the same quantity.

of work as heretofore they had received forty shillings. What a subject for congratulation! The cotton trade was said by Mr. Huskisson to employ 1,200,000 hands; add to them the number employed in the other branches of weaving, viz. silk, woollen; linen; add to them also, the seven hundred thousand families dependent on agricultural labor, at the present wages distributed among the above laborers, and a pretty fair calculation of the advantages to be obtained from the removal of restrictions already effected and proposed, and from the opening of new markets, may be obtained, *the worm at the root of the gourd will at once be discovered*, and the delusion dissipated by the analysis that here follows; but which will prove delusive also, if the axiom laid down can be controverted, viz. that "*the power of the British people to consume foreign production alone determines the extent to which they can export with profit.*" Then all those boasted schemes of liberal policy must produce increased commercial embarrassment.

Much popular interest and exultation has been excited by the establishment and recognition of the independence of the South American States; and the Englishman that does not exult in the emancipation from the thralldom of the galling and degrading yoke under which the oppressed people of those States had labored for so many ages, must be unworthy of the land that gave him birth. But the great principle which most excited the interest of the British population in that recognition, was the commercial advantages it was supposed to be calculated to afford. And truly the commercial advantages that *might* be derived are great, if it comported with our commercial policy to allow the country to enjoy the benefits of those advantages. But as that is not the case, that recognition, instead of being a source of national advantage, must be a means of involving the mercantile interest in increasing embarrassment, to the extent of the expansion of our operations in that quarter. For in what way is that expansion sustained? Has South America any thing to give that she had not previous to that recognition? Certainly not. Has she any thing to give that we had not indirectly through the medium of Jamaica? No. Is the power of the people to consume the products of South America increased by the expansion? Certainly it is *natural* to suppose so. But nature and art are two different things: and this is the error that betrays our merchants, as it does the political economists. They lay an *artificial* foundation, and calculate on *natural* results, and thus they deceive themselves, each other, and the public. It has been shown that *artificial means are used to destroy the power of the people to consume foreign production, and the principle of destruction of means keeps pace with expansion of operation.*

How has the increased export been sustained? All classes of people have thought that South America opened a fine market for our produce and manufactures, and it seems to be the

great object of legislation to increase our exports. It appears then that the rulers have fallen into the mistake so common to those who want either capacity or industry to consider cause and effect, viz. that an increase of export will necessarily bring its return. To those whose capacity is not sufficient to enable them to trace effects to causes, if they would but look at results, they would see the error as has been shown. The principle of expansion however has advanced, so that the quantity which went direct, in 1824, to South America, was 5,865,323, being 2,576,867 more than in 1821, the first year of free intercourse. How has this account been met? The monied interest have lent about sixteen millions in the last three years to those States, that is, to the Government of those States, while the merchants have brought home the bills, and the money-jobbers have taken them up. Hereafter will be shown the secret windings of that bill-operation, which will make it manifest that our rulers know as little of the true principles of currency and finance, as they do about the true principles of commerce. If the First Lord of the Treasury had been aware of the workings of the money-jobbing on the commercial system, he would never have added to his other blunders, by saying, when adverting to the distress that prevailed in this country soon after the termination of the late war, that "it was remarkable that America was equally in a state of distress," without being able to point out the cause. That was a period that might have led the most stupid to an understanding, that supply and demand had become a secondary principle in commercial operations; for shopkeepers were distressed for want of customers, laborers for want of employment, the Americans for want of our manufactures, and we for want of its produce—and why? because the time had come, and now is, that was so much dreaded by Burke; when, instead of our rulers governing the wealth of the country, they were and are governed *by it*. It was the insidious workings of the money system, of which Ministers then were, and now are, the great stimulators, that produced that anomaly of anomalies, which drew from Lord Liverpool the acknowledgement of incapacity, when he said,

Of all the ills which we endure,
How few can kings create or cure.

The ills that then existed were the result of that want of knowledge on the part of rulers that will always precede action with those who do not act blindly.

But how does the money-jobbing affect commerce? As long as we will not have the produce of foreign countries, but lend them money, or cause representations of amount on paper to be created wherewith to buy our goods, we shall find a market for our export; but then the goods must be sold at half the value of the labor. Indeed, it would be well for the laborer if he could get one-sixth cost: but they must be sold for half as much money abroad as is

sufficient to buy the laborer necessities at home. By this operation, however, it has already been shown, that so much of the produce of foreign countries as comes in on account of interest, must be abstracted from what would otherwise be distributed in profits and wages, and this operation may go on until there is scarcely any thing left to be so distributed. How will this operate? A diminution of power on the part of the British people to consume foreign productions on the one hand, and an absorption of the proceeds of those productions on the other by the monied interest. What effect will this produce on the countries from whence the obligation is due? They will not be able to do without manufactures; consequently, they will avail themselves of the money they owe to England, and of the inventions of English artisans, and manufacture for themselves. Thus we shall furnish the means, and excite the stimulus to enable them to do without our manufactures, by having their own, and thus destroy our market.

Suppose they should pay back the amount they have borrowed! In that case, it will absorb, for the time, nearly the whole value of their exports, and thereby leave the products of British labor without any equivalents to be obtained; so that whatever amount may be repaid, will be so much withdrawn from what should otherwise be distributed in profits and wages, and the value of our exports must be depreciated to the amount of such repayment.

Suppose they cease borrowing? Then all the bills created by such lending of money to foreign countries will be withdrawn from the amount to be distributed in profits and wages.

How will this operate? When the time of payment comes, there will be a scarcity of bills. The tradesmen will press for their accounts, time will go on until they can wait no longer; some will be pressed so hard, that orders will be given for sale at what the goods will fetch. A sale will be effected, and perhaps not half the cost realised. The others that have stock must follow in train, and thus a depreciation will fall on the whole. At this depreciation what do they get? They buy produce, the produce is brought home, but a sale for it cannot be effected, already there is too much in the market; and when that is the case, importers frequently lose more by what they import, than they gain by what they export. Taking into account the ability to bear stock, which has been afforded to venders by the extended and speculative issues of Bank paper, and the facility of discounts; also the facility afforded by the warehousing system for deposit of stock; also the limited means of the people to consume foreign productions, there is reason to believe the stock of imports on hand, beyond the former amount, is equal to five millions; suppose it be forced into sale, it cannot obtain a market; suppose it remain in warehouse, by deterioration of quality on one hand, and expense of warehousing on the other, it must be finally sold to pay the expenses. Suppose importation is

suspended? Then exportation, and consequently manufacturing, must be suspended too; and the money laid out by the middling classes to buy foreign commodity will go to pay poor rates, diminishing consumption still farther. But merchants now in some concerns are manufacturers in all the processes and exporters at the same time. Should they fail, there is no intermediate party to break the fall; but the whole of their establishments are at once stopped, the whole of their hands thrown out of employ, on parish rates, with diminished means to bear them among the interchangers; thus consternation and misery paralyse great numbers at once. Yet the spirit of commercial enterprise still stimulates, though one and another fail; and even the parties themselves cannot believe but great advantages are to be realised, that there must be some special causes that produce such results, and that they will be but temporary. And all the scribblers risk their conjectures—it is this cause, and that cause, and any cause but the right cause. What are the real causes? They are these, *and no man can controvert the positions; viz. That the only principle that can render foreign commerce profitable or useful, is a power in the people to consume foreign productions. That the intervention of money as tokens of interchange, has destroyed the principle “of products creating a market for products,” and the power of purchase, or means of consumption, are determined by the pecuniary resources of the purchasers. And that with these two incontrovertible principles before every man’s eyes, so far from legislators adopting regulations adapted to increase the means of the people to consume foreign productions, they legislate in a way to increase the exportation of British production, supplying the most artificial stimulus to such exportation, and at the same time to diminish the means of the people to consume foreign productions.*

Thus the seeds of dissolution are sown in the commercial system, and left to itself it will destroy itself.

The dogmatical doctrine of *ratios* of increase between population, capital, and supply, promulgated by the economist, will apply with much more alarming force to our commercial operations, as will be manifest by the following facts, which appear to be entirely overlooked by all the public writers, as well as statesmen; by an attention to which half the political jargon of opinions about the causes of mercantile bankruptcy would be done away. It is impossible to avoid mortification at the prevailing ignorance, when it is *the cause of ruin to men of property, and of poverty and misery among millions.* If the mechanics of the country knew as little about their business as persons in higher occupations do about theirs, they would not be able to get their bread. It is quite obvious, that neither statesmen nor public commentators know even the technicalities of the commercial system, or they would not usher into the world such delusive representations, or continue to set themselves up as

public teachers, with the knowledge that they are groping in the dark. If it is too much trouble for conductors of the press to turn over the ponderous and complicated pages of parliamentary papers, the volume of Statistical Illustrations would save them that trouble; and they have been long enough before the public, and in the hands of public writers, to enable them to undeceive themselves. But they appear to be either above their sphere of judgment, or they are avoided, lest the discovery of truth should be fatal to their cabalistic profession. Statistical illustrations are fatal to mere speechification, and by destroying the jargon of opinions, they would create a necessity for hard labor to supply the columns of a daily journal.

Much is said by political economists, *so called*, on the importance of a numerous class, "who have their time at command; that is, who are rich enough to be freed from solicitude, with respect to the means of living in a state of enjoyment. It is by this class of men that knowledge is cultivated and enlarged. It is also by this class that it is diffused." Who are the men? If many such men obtain seats in Parliament, it would be well if they were to devote a portion of their leisure to the labor of acquiring knowledge of the true principles of effective legislation, which cannot be obtained without labor. But it is a labor that would bring its own reward, without any of that abstraction to which physical labor is liable. Had Mr. Huskisson, for instance, been aware of the technicalities of the commercial system, he would not have told such a tale about the export of cottons, or a worse alternative must be admitted.

That the readers of this work may not plead ignorance, the following explanation is offered :—

In the year 1694, it was determined by government to ascertain the quantities of our exports and imports, which quantities they designated by the term *official values*. The use of which designation is still preserved by ministers and others. All that is meant by *official values*, is *quantities*, or hogsheads, tuns, pieces, according to the nature of the articles. The terms *official values*, have no determinate relation to the current value of such quantities, nor was the relation of *official values*, or quantity to real values, known until the year 1798; when, in consequence of the depredations committed by the enemies' vessels on our merchandise, it was determined to convoy our merchant-vessels, and to subject our exports to an *ad valorem* duty of 4 per cent. to defray the expense of convoy. When every shipper was required, with the statement of the nature and quantity of his goods, to give into the Customs a duplicate, of the charged, declared, or real value of them, on which the *ad valorem* duty was levied. This was the origin of the technical terms *declared values*. If the shippers had given in a greater amount than the real values, they would have been subject to unnecessary duty; if a less amount, on detection, their goods would have been confiscated.

It is fair, therefore, to infer the near approximation between the accounts given in by the shippers, and the *bonâ fide* value of the goods exported. When the above convoy duty was taken off in 1815, an act was passed, requiring all exports (except cotton, linen, and woollen,) to pay one-half per cent. duty, and all to give in the charge of the goods exported, on liability to confiscation as before.

Having given the above explanation, it becomes necessary to examine the results, and they will be found as discreditable to the intelligence, as to the vigilance of those that preside over public opinion and public affairs. If, indeed, there is not a determination to stifle the subject, it must baffle conjecture what can be the cause of such impenetrable silence on operations so ruinous and so portentous of national decay.

The table, p. 36, of the Statistics in question, shows the progressive increased quantity of our exports, from the years 1798 to 1822. The almost stationary amount of value and of imports, retained for home consumption, and the declination of wages among cotton-weavers, keeping pace with the increase of quantity, it may be seen that a quantity, or *official value*, as already explained, of 24,457,271, produced a charge of £40,707,491 on the annual average of the ten years 1798—1807. But in the year 1824 (as may be seen by the Statistics, p. 75), a quantity of 51,718,606, produced a charge of only £41,835,032; so that we gave more than two quantities, or *official values*, for little more than the same amount of real value.

It is necessary to explain, in reference to cotton manufactured goods exported, that the *official values*, or quantities, mean pieces; and of cotton spun-yarns, bundles of ten pounds each; and comparing them with wages for weaving a yard of six-quarter-wide jacconet muslin, the following results will appear (at pp. 36, 58, and 75, of the Statistics); viz.

	<i>Pieces.</i>	<i>Real Value, or Charge.</i>	<i>Bundles.</i>	<i>Charge.</i>
1814	16,690,366	£17,393,796	1,119,850	£2,791,248
1823	24,117,549	£13,751,415	2,425,418	£2,625,948
1824	27,170,108	£15,240,006	3,283,103	£3,135,486
	<i>Total Charges.</i>	<i>Wages for Weaving a Yard.</i>		
1814	20,185,045	13d.		
1823	16,377,363	4d. { 24 yards is a week's work, and almost one-fourth is deducted for expenses.		
1824	18,375,502			

By comparing the above statements, it will be seen that Mr. Huskisson's statement of the value of cottons exported in 1823, had just as much relation to the fact, as there was in the question asked by an English gentleman, when riding by a bog-cutter, in Ireland, "Can you tell me, my good fellow, how far it is from Michaelmas to Mullingar;" to which he answered, "Just as far as it is from Easter to the ace of spades." But is it compatible with the dignity and re-

sponsibility of a ministerial office to come forward with a statement so delusive on a question so important? And is it compatible with the responsibility of the representatives of the people to let such a statement go forth to the world uncontradicted? And can the press assume to itself the direction of public opinion, while it joins in disseminating such a delusion?

The difference in the value of the exports falls chiefly on the laborers, in diminished wages; a question which merchants in general think they have nothing to do with: but it has been shown, that whatever may be the disregard of merchants to the condition of the laborers, they are ultimately involved in the same consequences; and, from that very circumstance, those who have speculated on expansion of operation, must come off *minus* in their accounts. The panic may partially subside, but the delirious disorder that produced it will remain unabated; and while that is the case, there can be no stability or security of property. It was intended to illustrate the results, in detail, on the physical, social, and moral condition of the people, but that must be reserved for the Second Part of the Exposition. In the mean time, it may be proper here to state, that notwithstanding the depreciation effected on our external commerce, by the principles already explained producing a corresponding depreciation on manufactures for internal consumption, the people have increased four millions in number since 1790-2, and all that are able to work in laboring families are put to productive occupation with increased intensity of application; and although the monied aristocracy have increased in number and luxurious living, yet there is but about the same quantity of foreign and domestic subsisting comforts divided among the fourteen millions, as among the ten millions; thus a laboring family, consisting of seven persons, with all hands fully occupied, have no more subsisting comforts to divide among them than five had. Either they had too many in 1791-2, or they have now too few. The latter is the case; and the pressure of want occasions difficulties and discontent in families, and stimulates young persons to endeavor to obtain subsistence by other means than labor, and leads to the enlargement of our prisons, &c. The following results must strike the most stupid, and those that are most indifferent to the condition of the people. The quantity of malt consumed, on the annual average of the five years, ending 1823, was less than in 1791-2, and even less than on the annual average of the first fifty years of the last century, when the population was not half its present number.

	<i>Population of England & Wales.</i>	<i>Bushels of Malt.</i>		<i>Money paid for Relief of Paupers.</i>
1730	5,796,000	26,365,460	1750	£686,971
1776	7,600,000			£1,521,732
1791—22	8,800,000	28,292,732		
1819—23	12,218,000	25,320,335		£5,734,216

If the foregoing facts are not sufficient to produce conviction of the degraded condition of the people, it must result from wilful blindness. Nature forbids that a wise and virtuous people can be made out of a starving one. A third portion of the people are subdued to the parish by the pressure of want, and as many more struggle with labor and privation. The social affections, the only cement of society, are almost annihilated. Rulers, instead of adapting measures to circumstances, administer the dangerous physic of experimental instead of wholesome legislation to the body politic. They turn an obdurate ear to the importunities of half a million of people, not to sacrifice them to unequal competition with monopolists, who are allowed to tax them 500 per cent. on foreign comforts. *Injustice so flagrant is incompatible with the well-being of the people, and the stability of the state.* Controvert these statements who can.

The English are the most hard-working creatures on earth; but are so innocent of all knowledge of the principles that influence their condition, and so carried away with fine speeches, that they will believe any thing that is said by those that are paid for making them.

Thus when an Englishman is told that even one per cent. when put out to compound interest will soon clear any amount of debt that may be contracted in his name, he is enthusiastic in applauding the magic power of a sinking fund, he is so astonished and delighted at the rapidity of increase by accumulation, that he will not deign to reflect that there can be no accumulation of money, without being first subtracted from the produce of his labor.

When a Committee of the House of Commons, by a species of logic peculiar to that learned assembly, reports that an excess of exports over imports makes a balance in favor of Great Britain, he cannot be made to conceive how it can be, that giving two for one can be a loss to the country.

When a minister of the crown, famed for the profundity of his knowledge of that *learned science*, political economy, comes down to Parliament, and says, "The exports of cotton manufactures alone amount to twenty-seven millions of pounds," it is believed, although the Parliamentary returns show that they do not amount to seventeen millions.

While such principles of legislation are in full operation, and the people so credulous, there can be no remedy! Merchants must become bankrupts, laborers become paupers, the middle classes sink into the lower ranks, and all the powers on earth combined cannot prevent it. If the people would but open their eyes and reflect a little more; if only ten righteous men could be found, and made to see that a vessel can never be filled with water that has an orifice at the bottom larger than that at the top, and by analogy that if we export fifty-one and divide only twenty-

one, it must be at the expense of somebody. If they can be made to see that it is the duty of rulers to prevent such a waste, and urge that duty on them with the firmness of Britons, such as was displayed when they obtained Magna Charta. If such a number cannot be found in Parliament now, the people will soon have an opportunity of sending them, if they can be found in the country, that are qualified. So *potent* is truth, when it is once understood, and faithfully urged, that if only ten true Britons can be found, nothing can prevent Great Britain, with her means, from being what has been her former boast, *The envy and the admiration of the world!!!*

OBSERVATIONS

ON

THE PUBLIC UTILITY RESULTING FROM

THE

JURISDICTION

OF THE

COURT OF CHANCERY.

By A CHANCERY BARRISTER.

ORIGINAL.

LONDON :—1826.

OBSERVATIONS,

&c. &c.

FROM various causes, an opinion seems to have gone abroad, that the jurisdiction of the Court of Chancery is productive of great mischief to the public, and that the abolition, or at least a great alteration of it would be a general benefit. This opinion has arisen principally from three causes; first, from the rules of practice which prevail in that Court, many of which are highly inconvenient, and produce great expense and delay; secondly, from the faults of the judges who preside in it; and thirdly, from the gross misrepresentation of the nature of that Court made by public speakers, and by pamphlets addressed to the public. It is obvious that the two first of these causes are perfectly unconnected with the jurisdiction of the Court; by which I mean the power of entertaining suits and administering relief on certain given subjects. It is, for example, very unwise to allow a defendant so much time, as he now has by the rules of the Court, before he is compelled to put in his answer; but it is obvious that this affords an argument against the utility of the general jurisdiction of the Court: yet ignorant persons, who deal out their censures against the general character of Chancery, make no distinction between practice and jurisdiction, and charge the crimes of the former as a reason why the latter should be abolished. I am extremely sorry that the objectionable parts of the practice should have continued so long; let us hope that they will soon be effectually removed; so that the public may then enjoy the full benefit arising from the jurisdiction of the Court. The faults of the judges in it, whether those of erroneous decisions or of delay, or from whatever other cause, ought not for a moment to injure the *character* of that tribunal: the principles of the Court remain exactly the same. But there are persons who have told the public either in speeches made in parliament, or in pamphlets, or periodical works, that the jurisdiction of the Court of Chancery is most mischievous to the public, that

it ought to be abolished or radically reformed. It will be no difficult undertaking to satisfy the public mind, that this reproach on the jurisdiction of the Court is perfectly unmerited; and that, on the contrary, it is attended with advantages to the public which can be derived from no other court in this country.

It has been observed, that it is the business of the Court of Chancery (considered as a court of equity) to relieve in cases of trust, fraud, and accident; but although the Court has jurisdiction in these matters, yet not in these matters *only*: it likewise affords relief in those cases, where courts of law would afford only a very inadequate remedy, or where they have not the same facility of applying the remedy, or the same means of preventing the mischief: in all those several matters the greatest benefits result to the public from the aid of the Court of Chancery.

It is not my intention here to write a treatise on the equitable jurisdiction of that Court. I propose only to explain to that part of the community who are not members of the profession of the law, and who have been grossly misled by unfounded assertions, in what respects this Court is highly useful to its suitors.

If an estate is conveyed or devised to a trustee for certain purposes, and if he wrongfully refuses to execute that trust, or has been guilty of a breach of it, it is obvious that these are cases which require a remedy. But in courts of law (constituted as they are at present) there is no remedy whatsoever. The cestui-que trust applies to the Court of Chancery, who compels the trustee to perform his duty, and to repair the wrong which he committed.

In a great variety of cases also of *fraud*, (although not connected with trust,) the party injured is entirely indebted to the Court of Chancery for substantial relief. Suppose a person obtains the conveyance of an estate from another at a price which is not one-thirtieth part of the value, the seller is evidently in his mind infirm, though not legally incompetent, without any professional assistance, and laboring under the greatest pecuniary embarrassments, and deeply indebted: the purchaser himself manages the whole transaction: against this obvious injury a court of law affords no remedy: for although in cases of alleged duress, a court of law may leave it to a jury to decide, whether the deed conveyed be considered as the act and deed of the party who executed it, cases of fraud are almost exclusively within the cognisance of a court of equity; and even if a court of law did entertain the question as to the validity of the deed, still, although the jury decided against it, the oppressor would be left in the possession of the deed, and he might make what use of it he thought proper. But the Court of Chancery will at once set aside the deed, and order it to

be cancelled, on the seller returning what he has received : and thus will this Court protect the weak, and punish the fraudulent. And it is proper here to add, that the Court of Chancery possesses the power of doing complete justice between the parties, which is peculiar to that Court. It will be observed that in the instance just mentioned, the Court in vacating the deed will direct the purchase-money (if any has been received) to be returned : but a court of law (even if it would consider a deed fraudulently obtained as not the deed of the party on whom the fraud was practised) would merely give judgment that he never should have possession of the property which was conveyed by the deed ; and another suit would become necessary, to restore to that purchaser any money which he might have paid in the transaction. The instances of this kind of jurisdiction are numberless : for it is a maxim of the Court of Chancery, that he who applies for equity must do equity ; and it is by virtue of this rule, that whenever a plaintiff applies to a court of equity for relief, the judge considers what is the real and substantial justice of the case, and will administer relief to the complainant only on condition that he will consent to the terms imposed on him. But courts of law are so defective in the administration of justice in this particular, that the Court of Chancery is frequently under the necessity of interposing and preventing the plaintiff from recovering at law, without doing justice to the other party.

In cases also of accident and mistake, the jurisdiction of the Court of Chancery is most beneficially employed. The public will understand this subject better if I put examples. A person has contracted to sell an estate to another. The solicitor who prepares the conveyance has made a mistake in the description of the property intended to be sold, and has inserted more or less than was the subject of the bargain between the parties. In a court of law it would be very difficult (if not impossible) to obtain any remedy in this case ; but the other Court would rectify the conveyance ; and if more property has been conveyed than was intended by the contract, the purchaser will be ordered to reconvey it to the seller ; but if less, the seller will be directed to convey the whole of the property to the other party ; and if that cannot be done, to make a fair abatement from the purchase-money.

These are familiar instances of the jurisdiction of the Court of Chancery in matters of trust, fraud, and accident ; and it is needless for me to observe to the reflecting reader, that the cases are very numerous in which the Court of Chancery gives relief in each of these descriptions.

But the transactions of mortland afford many other instances in which the interference of this Court is necessary. It happens very

frequently, that although a court of law would afford some remedy to a person, it is inadequate to the justice of the case.—To put an instance : A person has contracted to purchase a landed estate, peculiarly desirable to him on account of healthy situation, or from its being in the neighbourhood of intimate friends, or because it would afford him amusement as a sportsman ; that the remedy which a court of law would give him is perfectly inadequate, and must be immediately admitted, when it is found that in an action, instead of recovering the estate, he would recover only some slight damages for the breach of the contract ; such as the expense of preparing the agreement, and of other matters usually happening in these transactions. But the loss which he most laments, that which arises from not obtaining an estate which might have improved his health, have procured him agreeable society, or afforded him the delightful recreation of the field, is never once taken into calculation. The Court of Chancery therefore holds out to him its assistance, and decrees in his favor the specific performance of the contract, by giving him the estate which was the object of the agreement, on his paying the amount of the purchase money. This species of relief is not confined to contracts relating to lands, but is extended to all others where courts of law are incompetent to afford a suitable remedy.

There are also other circumstances which render the interference of the Court of Chancery necessary. Courts of law always require the strict performance of the condition of the contract. Therefore, if a person in the sale of an estate contracts to be ready with his title by a particular day, unless he performs that condition, he will be unable to recover at law. But equity will relieve against such unreasonable strictness, and, provided he has not been guilty of unreasonable delay, will not permit a slight departure from the terms of the contract to defeat the object of it. But before the specific performance of it is decreed, it is necessary to ascertain whether the seller possesses a good title to the property in question. For this purpose a reference is made to one of the masters of the court to ascertain that point ; and the cause is afterwards brought before it on the master's report, and finally adjudged.

There are likewise other cases in which courts of law and equity possess a current jurisdiction, but in which the remedy is much more efficaciously administered by the latter in matters of account. This is strikingly the case. The investigation of long and intricate accounts would occupy too much time, and cannot be satisfactorily made in a trial at law. And so sensible is the judge, who is to try the cause, of this fact, that the moment he ascertains that the question between the parties is a question of account, he

recommends (which amounts to a direction) to the parties to settle their difference in the Court of Chancery, or by a reference to the arbitrators. Therefore, in partnership transactions, and in all other matters where there have been mutual dealings and transactions between persons, and disputes arise, suits for an account are usually brought in a court of equity; the defendant being there compelled to set forth in his answer the account of the dealings and transactions between him and the plaintiff, and the account between them being taken and adjusted in the master's office, where (although delays may occur which require, and probably will undergo, reform) the examination of such matters is much more conveniently made than in court.

Under the general head of account, this court entertains suits in great variety of cases: amongst others, a suit by a legatee for the payment of his legacy; by the next of kin for the distribution of the intestate's personal estate; by creditors, after the death of the debtor, for the payment of their debts. In the first of these cases, (supposing that the executor has not made any promise to pay the legacy,) the legatee has no remedy whatever at law, as under such circumstances an action will not lie for a legacy. But besides this reason, there is another ground also on which the Court of Chancery assists the legatee; viz. that if the executor does not admit that the personal estate of the testator, of which he has possessed himself, is sufficient to pay the debts and legacies, an account then becomes necessary of the effects of the testator. It is obvious that in administering this sort of jurisdiction, the court decides many important questions, and affords most material relief to the parties in these suits. Very nice and difficult questions arise on the construction of wills respecting legacies, which are determined by the court; but on which no decision can be obtained from a court of law by the parties themselves. Where the legatee is an infant, or only tenant for life, the fund is secured, in order that it may be forthcoming when the infant attains the age of 21 years, or when the tenant for life dies. Also in the distribution of an intestate's effects, the court ascertains the amount of them, directs them to be applied in payment of his debts, and the residue to be divided between the next of kin. A great many questions frequently arise, and are disposed of in this suit, such as the validity of debts claimed against the estate, and the title of the persons alleging themselves to be the next of kin of the deceased. It is obvious here how much expense is saved, and what litigation is prevented, by the court assuring the administrator of the fund. The rival claims of the next of kin would be attended with endless dispute, if, one after the other, these litigant parties were to be under the necessity of

bringing suits at law. But the Court of Chancery in one and the same suit directs inquiries to be made before the master, who are the next of kin; and the master on the evidence produced before him of the title of the different claims, reports who are the persons that stand in that character.

Let me call the attention of the reader also to suits by creditors. If a creditor brings an action against an executor or administrator, the latter obviously is not liable beyond the amount of the assets which he has possessed of the deceased, whom he represents: this circumstance introduces the necessity, in a great many cases, of taking an account of the personal estate of the deceased debtor, which has been received by his personal representative. As a court of law is, for the reasons above mentioned, quite incompetent to take that account, the Court of Chancery will, after the decease of the debtor, at the suit of a creditor, administer his estate. The creditors establish their debts before the master, and are paid according to their legal priorities. A great benefit results to the public from this jurisdiction: for supposing that the personal representative, having a sufficient fund in his hands to satisfy the demands of creditors, should refuse to do justice to them; in such a case, if the Court of Chancery did not interfere, each of the creditors would be under the necessity of bringing separate actions against the personal representative. Multiplicity of actions therefore is prevented by this interference. For the moment a creditor in a suit against the personal representative has obtained a decree, the court will enjoin any other creditor of the debtor from suing the executor at law; and all the creditors (if they wish to be paid their debts) must come in under the decree.

The jurisdiction, also, which the Court of Chancery possesses in preventing mischief and injustice, is exercised most beneficially for the public. The mode in which this object is effected, is principally by *injunction*, by the appointment of *receivers*, by ordering *money* to be paid into court. It is perfectly obvious that, constituted as courts of law are at present, not one of these objects can be obtained by them. The most familiar instance of the interference of the court by *injunction*, is the case of waste, by cutting timber by a person in possession of an estate, who has no right to the timber; or not that sort of right which he seeks to exercise. That such an injury as this to the person who is owner of the inheritance may be in many instances perfectly irreparable, is a fact which no man of any experience can deny: the remedy at law therefore by which the injured party may recover the place wasted, and damages, yields him but a poor consolation for the loss of the stately timber trees, which might have constituted the finest ornament of his estate, and have afforded him the means

of protecting and preserving his game ; his pleasure then, as a man of taste, and as a sportsman, would be destroyed, did not the Court of Chancery protect him, which it does, on the filing of his bill, and on a proper affidavit of this threatened injury, by enjoining the defendant from committing it. The court exercises this jurisdiction in many other instances of analogous nature ; as, to prevent the negociation of a bill of exchange, where it has been fraudulently or improperly obtained ; to prevent a personal representative from receiving assets, where he is wasting them, or where he is insolvent, or where he has declared his intention to abscond ; or to prevent the infringement of a patent right. The reader will observe the injurious consequences which would arise, if the court did not interfere in these instances. In the first case, if the bill should pass into the hands of a *bona fide* holder for a valuable consideration, without notice of the fraud by which it was procured, he would be entitled to recover on it ; so in the instance of a personal representative, if he were permitted to receive the assets, they would be probably entirely lost to the persons entitled to them ; in the patent case, the patentee would be suffering great loss by the infringement of the patent, without his being able to ascertain and prove, and therefore to recover the extent of it in an action.

The injunctions of which I have been speaking are called *special* injunctions, and are usually granted at the commencement of the suit. There are others, likewise denominated special, but which, not being of so urgent a nature, are not granted until the defendant has answered ; and the application is then made upon the facts admitted by the defendant in his answer. The court likewise grants an injunction to restrain the defendant from commencing and proceeding in action which he has brought, or threatens to bring, against the plaintiff in equity. If the defendant is in contempt for not having appeared to the suit, or for not having answered the bill within the period prescribed by the rules of the court, or if he applies to the indulgence of the court to have his time for answering enlarged, the injunction against him issues of course without any affidavit of the merits of his case ; but if the answer is put in before the injunction issues, that process is then applied for by special motion upon the facts admitted in the defendant's answer. No person who is at all familiar with the business of the Court of Chancery can entertain any doubt on the propriety of the court granting this description of injunction. Whether it ought in any case to be granted of *course*, is another question, on which I will presently submit a few observations. This injunction, if granted before any action is brought, stays the bringing of it ; if after the action is commenced, it restrains only the taking out of execution in the action.

The cases in which a court of equity restrains proceedings at law may be divided into three classes: 1st, where the subject matter of the suit, being a suit for relief, is entirely of equitable jurisdiction; 2dly, where the rules on the subject are the same in courts of law and equity, but the relief different; 3dly, where the suit is merely for a discovery. In each of these cases, it is evident that the public derive great benefit from the Court of Chancery in granting these interlocutory injunctions. Let me imagine the case of a bond obtained by a solicitor from his client pending the suit, in which the former is engaged by the latter, by which the client is made to bind himself to pay an annuity to his solicitor for his supposed services; such an instrument would be valid at law, and the solicitor would be entitled to recover on it; but a court of equity at the hearing of the cause sets aside such a transaction on a ground of public policy. As it would be manifestly most injurious to the client if, in the mean time, the solicitor were to be permitted to bring an action, or having brought an action, to sue out execution, therefore the court of equity makes an interlocutory order, restraining the solicitor from proceeding at law until the hearing of the cause. Several other instances may be given, where the relief against the instrument which is put in force, is confined entirely to the court of equity; such as the cases of heirs' dealings with the expectancies, by giving post-obit bonds. It must be perfectly obvious to every person, that if the court did not grant, in such case, the injunction by an interlocutory order, the decree at the hearing of the cause, that the bond should be delivered up to be cancelled, would be of very little use.

There are also several cases where courts of law and equity possess a concurrent jurisdiction on the subject. As in matters of unsettled account; some contracts condemned by the policy of law; contracts in fraud of a deed of composition, and others. In questions of account, if one party has, or threatens to bring an action against the other, to recover the balance, it has been before observed, that an account is much more satisfactorily taken in a court of equity. Therefore that court will restrain by interlocutory injunction the proceedings in an action, where the plaintiff may obtain a verdict for a much larger sum than is in fact due to him, and which would appear to be the case when the account is taken before the master. But in granting these injunctions, the court will frequently make it part of the order, that the money positively sworn to by the defendant in equity to be due, should be paid into court.

But in cases of contracts void by the policy of law, and which could not be enforced at law, it may be asked, what reason is there that a court of equity should grant an interlocutory in-

junction to restrain the proceedings at law ? In answer to which, it must be observed, that it being the practice at the hearing of the cause to direct the instrument on which the contract is founded to be cancelled, the court in the mean time grants the interlocutory order for the injunction, to prevent the party from whom the contract was obtained from being harassed with an action at law : in which, although the plaintiff may not succeed, yet much trouble may be experienced and much expense (for which no allowance is made on taxation) may be incurred. The Court of Chancery therefore acts much for the public benefit in ordering these injunctions to issue. The third class of cases in which an injunction will issue to stay proceedings at law, are in cases of bills for a discovery, whereby the plaintiff seeks a discovery of matters, which may either assist him in supporting an action in which he is plaintiff, or in defending an action in which he is defendant, in a matter in dispute between him and the party against whom he brings his bill for a discovery. In these cases the plaintiff prays for injunction until the discovery is made ; that is, until the answer is put in. If the defendant is possessed of knowledge of the matters, which may aid the plaintiff in either of these cases, but which is confined to himself, or which, though possessed also by others, cannot be obtained without a great difficulty or expense, the court of equity, on principles of general expediency, will compel the defendant to make the disclosure, unless it would subject him to criminal charge, or a forfeiture of an estate—or would prejudice him as purchaser for a valuable consideration without notice. If he does not appear or answer within the time allotted by the rules of the court, an injunction of course will issue against him to stay his proceeding in the action. These suits for a mere discovery are never brought to a hearing ; but the defendant in putting in his answer, is entitled as of course, to be paid his costs by the plaintiff. From these observations on an injunction to stay proceedings at law, the reader will have observed that there are cases (that is, where the defendant is in default for not appearing and not answering) where the injunction issues of course, without any proof of the facts of the case on which the plaintiff prays for injunction ; and it may be asked, why is the defendant to be restrained in the exercise of an alleged legal right, without this proof ? In bills merely for a discovery, the nature of the plaintiff's case will not enable him to make any affidavit of merits : the plaintiff does not apply to the court on facts within his own knowledge, but to discover facts supposed to be the knowledge of the defendant : but whether the defendant does possess that knowledge, and can give the plaintiff the information required, must be generally a matter of too much uncer-

tainty to be capable of being verified by affidavit. In bills for relief the case is undoubtedly different; but it appears to me that there is, upon the whole, a convenience in the present practice: it prevents in some measure delay on the part of the defendant. If it is an object to the defendant to prevent the injunction from issuing, of course he will endeavor to put in his answer as soon as possible; and I believe that it often happens, that in town causes the injunction is prevented by these means, and particularly where the bill is filed merely for delay: and if the injunction has actually issued, the defendant may discharge it by putting in his answer. However, it is not incumbent on me to defend this practice. I am defending the *general jurisdiction of the court*, which I have endeavored to keep distinct from its practical rules, and to show in what respect the public is benefited by the relief which it affords.

Also another mode of protecting property, resorted to by the Court of Chancery, is the appointment of a receiver. Numberless instances are continually happening, in which this interference is absolutely necessary. An infant, for instance, is entitled to considerable real estate, and without any other guardian than that which the common law affords him. The office of guardian in socage (which is the only species of guardianship applicable to real estates) expires when the infant attains the age of fourteen years. After that age, the infant would be left without any protection if the Court of Chancery did not interfere by a proper person to receive the rent and manage the property. The appointment, however, of a receiver, is not confined to that age of the infant: but from the circumstance of the receiver being an officer of the court, and accountable to it for the due execution of his office, a receiver has superseded the guardian in socage. Another instance may be stated: an executor commits waste of the testator's property, which comes to his hands, and the court restrains him from receiving any more of it: but it may happen, that there is very considerable out-standing property to be got in; it becomes absolutely necessary then that some person should be supplied by the court to get in the property of that description, for the benefit of the legatees and creditors of the deceased. In partnership transactions also, where the partnership has become dissolved, and disputes have arisen between the partners, and one of them threatens to collect and misapply the partnership property, the court, for the benefit of all parties, appoints a person to receive the effects. And many other instances occur where, from the necessity of the case, the court will make this appointment.

There is also another mode, by which property is effectually and beneficially secured by the Court of Chancery, by its directing

money in certain cases to be paid into court, and to be laid out in the funds, and dividends to be invested. To give very familiar instances: if an executor admits in his answer, that he has in his hands property of the testator, without showing that other persons have a prior claim to it, the court will direct the money in question to be paid in. A purchaser also, in the possession of an estate under a contract, but without paying the purchase-money according to the terms of it, will be ordered to pay the purchase-money into court. It is unnecessary for me to observe, that at law no such power exists; so that, if a creditor, for example, were suing an executor, although it was manifest that he had possessed himself of assets to a large amount, and that he was wasting them so rapidly, that before the creditor could obtain judgment, there would be no fund out of which his debt could be satisfied; a court of law has no means of protecting this fund.

The only remaining topic, to which I beg leave to call the attention of the reader, is, bills for a discovery, and commissions to examine witnesses abroad. It appears that bills for a discovery are filed in order to obtain information, which may assist a person as plaintiff or defendant in an action at law, or as defendant in a suit in equity. Bills for relief are also bills for a discovery, to the extent of obtaining information from the defendant, ancillary to the relief prayed. A *plaintiff* therefore in a bill for relief is under no necessity to file a mere bill for a discovery; but a *defendant* to a bill of the former character has no means of obtaining material information from the plaintiff in equity, but by filing a bill for a discovery. It is almost unnecessary for me to observe, that to compel a party to answer matters upon oath in ordinary suits between party and party, is a jurisdiction which belongs to no court of common law; and I conceive that great benefit results to the public from this jurisdiction possessed by the Court of Chancery. If two persons are in a state of litigation about property, and one of them possesses knowledge of a fact, which, if given in evidence, would entitle the rightful party to succeed, or would prevent the wrongful party from recovering, good conscience requires that a disclosure should be made of that fact, unless it can be shown that the disclosure might subject him to punishment for a crime, or to a forfeiture of an estate, or might affect him as a purchaser for a valuable consideration without notice.

The Court of Chancery also very frequently grants a commission to examine witnesses abroad in aid of a trial at law. It is obvious that it must frequently happen, that persons who are capable of affording most material evidence in an action, are resident abroad, and therefore incapable of attending to give evidence at the trial.

But a court of law has no jurisdiction to issue a commission for the examination of those witnesses, unless the parties to the suit will consent to it. Such consent is seldom given. The party therefore who wants such a commission, files a bill in a court of equity for that purpose, and a commission is afterwards obtained by motion; and the witnesses are examined under it.

Having thus endeavored briefly to explain the general jurisdiction of the Court of Chancery, making it, I hope, perfectly intelligible to persons, although not in the profession, I would ask them, whether, if the Court of Chancery were to be abolished, and the courts of common law remained just as they are, and it is not perfectly evident that enormous mischief would be done to the public, whether there is a single class of persons in the country who would not have great reason to lament so fatal a step? Is it proposed to re-model the courts of common law, and make them courts of law and equity, or to establish a new court on the ruins of the Court of Chancery? The establishment of the first plan is liable to almost insuperable objections. I will say nothing on the difficulty of foreseeing all those evils, which may arise from the introduction of a new system: of the evils of an existing establishment we know the extent, and we may guard against them; but the mischief which reformation may produce, is very frequently not known until it is felt. But we may anticipate one evil, which will arise from the mixing together the two jurisdictions of law and equity in the same court; viz. that the judges in that court will neither understand law, so well as they would do, if they were confined to a court of law, or equity so well as they would, if equity were their only jurisdiction. If it is proposed to establish a new court upon wholly different principles from those on which the present is formed, the mischief would be inconceivable, because it is manifest that, constituted as the courts of law are at present, the country absolutely requires such a court as the present Court of Chancery.

CHRISTIAN CHARITY.

A

SERMON,

PREACHED

AT APPLEBY, ON FRIDAY, AUGUST 12, 1825,

BEFORE

SIR JOHN BAILEY, AND SIR JOHN HULLOCK,

HIS MAJESTY'S JUDGES OF ASSIZE,

ON THE NORTHERN CIRCUIT.

By THE REV. C. BIRD, A. M.

RECTOR OF HIGH HOYLAND, IN THE COUNTY OF YORK.

LONDON:—1826.

A

SERMON.

Matt. x. 34.

Think not that I am come to send peace on earth; I came not to send peace, but a sword.

STRANGE consequence this to pronounce of the mission of *the Prince of Peace*, that he came to send a sword upon earth. Strange declaration, too, for a founder to give of his own institution! Men do not usually disparage their own projects by a prospectus of their evil consequences. If they *offer you bread they do not call it a stone, nor if they hold out to you a fish do they term it a serpent*. No; this is no human proceeding. Worldly wisdom is quite of another caste. Whatever be the essential properties and intrinsic value of their proposals, they set them off, at least, with all the superficial attractions and exterior embellishments of panegyric.

But *the ways of God are not our ways*. His are the ways of truth, candor, and simplicity; ours too frequently tortuous, artificial, and disingenuous. The Divine Author of our faith foresaw, and did not dissemble, that his gospel, conceived as it was in the bosom of mercy, and breathing as it did nothing but a spirit of peace, would nevertheless, when dispensed by human hands and interpreted by human passions, become an instrument of numberless cruelties and calamities. Had these distressing consequences overtaken his followers unprepared, they would, it is probable, have awakened their fears, and shaken their constancy; but when following upon the prophetic warning of their Lord, did but confirm their faith, when they saw the violence of their enemies, and the per-

verse zeal of their friends, bearing concurrent testimony to his truth; and even *the wind and the storm fulfilling his word.*

That the warning was not visionary and superfluous, the fate of the early Church of Christ but too clearly proved; when *brother delivered up the brother to death, and the father the child; and the children rose up against their parents, and caused them to be put to death.* Nor were the miseries of religious feuds limited to the primitive ages, and first centuries of the church, when the first converts suffered chiefly from the pride and policy of their pagan adversaries. But, through many succeeding ages of intellectual and spiritual darkness, down to the very verge of the last century, did bigotry triumph, and persecution rage. The history of Christianity, some few halcyon days excepted, is little else than the history of the dissensions and combats of its opposing sects and parties, inflicting and enduring, as they alternately rose and fell, sufferings, and tortures, for which Christianity blushes to have furnished even a pretext.

The progress of knowledge, and the more general diffusion of the genuine principles of the gospel, have, thank God! exploded in our times the sword and the rack as instruments of conversion, and persuasives to sanctity. There are no religious fraternities, either in Protestant or Catholic Europe, of sufficient influence, even if they should conceive the idea, to instigate Christian princes to avail themselves of the bigotry of their subjects, to carry war and desolation into the territories of an unoffending neighbour, on the impious plea of extirpating heresy, and fighting the battles of the God of Hosts.

Would to God that with the avowed purpose, the secret spirit also of persecution were extinct in every Christian heart! That men, who name the sacred name of Christ, were so intimately conversant, so thoroughly impressed, not with the unfathomable mysteries and insoluble controversies, but with the gentle, charitable, peace-inspiring graces of Christianity, as to have exterminated those passions, from which persecution derives its nutriment, and secretes its venom. Would to God, that, now men are too refined to catechise on the rack, and proselytise by the faggot, they had also learned of *Him who is meek and lowly in heart*, to subdue that impatience of contradiction, that dogmatism of opinion, that insolence of office, that appetite for domineering over the very thoughts of their fellows, which have prompted tyrants and slaves, hypocrites and their dupes, in all past times, to destroy the peace of so many families, and to deluge so many kingdoms with blood.

But that this evil spirit is not exorcised from Christendom, or finally laid in the oblivious deep, even among ourselves, is but too clearly to be inferred from the manner in which we have recently

met the claims of our fellow Christians of the Romish Church. Many, it hence appears, who would shudder at the idea of stretching the limbs, or lighting the pile, have no scruple—so deceitful is the heart of man—to harass the mind and torture the feelings of their religious opponents. While they declaim against violence and persecution, they traduce, without reserve or compunction, the characters, depress the fortunes, and abridge the civil privileges of those whom they cannot gain by their influence, or convince by their argument.

Into the political question connected with this subject, it is not my intention to enter. I leave it to the impartial and mature deliberations of men better qualified by their profession and talents to decide wisely, and to decide with authority. But I trust it will not be considered matter quite foreign to the occasion, or at least to the times, to investigate what, *as Christians*, we may conscientiously do, or leave undone, in the progress of this much-agitated and still undecided question.

In discussing this point, it is unnecessary to enter into any metaphysical speculations on the nature and grounds of human duty. We proceed immediately to the fountain of truth, and from that source draw the water of life pure and uncontaminated: for if we are sincerely desirous of learning *how to walk and to please God*, to whom should we go but to *Him who hath the words of eternal life*? This supreme and only infallible head of his church, when he spoke of the primary effect and event of his mission, predicted that he was sending a sword; but when he spoke of its purpose, design, and ultimate success, assures us that *he came not to condemn or judge the world, but that the world through him might be saved*. In the furtherance of this grand object of saving the world, he declares against all force, or show even of compulsion and menace. He would not do evil that good might come, however great that good might be. When his disciples, moved by a mistaken zeal, would have recommended a proceeding of severity against an unbelieving community, he turned and rebuked them—*Ye know not what manner of spirit ye are of. For the Son of Man is not come to destroy men's lives, but to save them*.

Again he says, *My kingdom is not of this world, otherwise would my servants fight; but now is my kingdom not of this world*; of which the obvious inference is, that his servants should not *fight* for his religion, or the extension of his kingdom. He proceeds further, and as the author of a new religion, he disclaims all pretension to apportion men's shares of the possessions and privileges of this world. *Who made me a divider over you?* And, last of all, to show that we should not only deal out to men of all religious denominations, an equal measure of *justice and equity*, but also of

generosity and *charity*, he introduces the Samaritan, showing compassion to the Jew, who *had fallen among thieves*; divided as these two sects were by an acrimony of hatred, as great as the essential difference of their respective creeds was inconsiderable.

Such is the spirit, such the principles of conduct, which the Divine Author of our faith prescribes. Let not any one, therefore, in defiance of such authority, imagine that he shall *do God service*, and his Saviour honor; or in any way advance the cause of religion or the interests of humanity, by any species of persecution, positive or negative; whether it affects the body or the mind; whether it takes away what is already possessed, or withholds what ought to be granted; for the law of Christ is infringed, and his spirit resisted, whenever we render a man's worldly condition worse, or refuse to make it better, on account of his religious principles.

Shall we then suffer an adverse and erroneous creed to make its way unresisted? Certainly not. Such a conduct would be a dereliction of our Christian duty in the other extreme. We ought *always to be ready to give a reason for our own faith to him that asketh us*, and *to resist with meekness those that oppose themselves*. But let us take care that our resistance be characterised with both reason and meekness. Let us, first of all, accurately ascertain what the tenets of our opponents really are, and expose them, not by the dim reflection of our own systems, but by those direct beams of truth which emanate from the Father of lights. Nor let us be in haste to do this, till we are sure we can do it in such spirit and temper, as may convince both them and our own conscience, that we are laboring for the purpose of acquiring the strength and confidence of numbers for our own party, or the acclamations of a triumph for ourselves; but that our hearts' desire is to convert the wanderer *from the error of his ways, and to save his soul from death*.

If this mode of resisting the progress of religious delusion does not succeed, our own personal experience and the history of our own country might serve to convince us of the futility of any other. It is in vain that our Statute Book has been disgraced by edicts more ingeniously cruel and absurdly oppressive than ever disgraced the codes of Imperial or Papal Rome. It is in vain that parents were compelled to surrender the nurture and education of their children, and the child bribed to rebel against his parents, to expel them from their homes, and consign them and their helpless families to beggary and famine. In vain have we attainted as a traitor the minister for performing at the altar the established offices of his religion, and branded as a felon the pious devotee who assisted at the solemn service. You have beaten them down to the earth indeed, but they have risen up from it with Antæan energy and

hydra-like fecundity. They sprung up from your ungenerous oppression, with renovated vigour and multiplied numbers to shame and amaze you. These sanguinary decrees (for laws they were not, if law has indeed "her seat in the bosom of God, and her voice be the harmony of the world"), these decrees are rescinded, and milder restrictions have been substituted in their place. But being conceived in the same spirit, their issue, though less pernicious, will not be more fortunate. They serve no other purpose, and never can, but to inflame their zeal, and to rivet their affections more fondly and closely to a faith which they conceive to be unfairly assailed, and for which they are obliged to make daily sacrifices of earthly emoluments and honors. Just in the same proportion are they alienated from your faith, by the abettors of which they conceive themselves unkindly treated, and are but too ready to proclaim a sense of their wrongs by a conduct equally pernicious to you and to themselves. After every fresh legislative enactment, there succeeds a temporary calm. But the fire sleeps: it is not extinguished. Under a surface of ashes it is collecting fresh strength, to burst forth at some ill-omened hour, when you shall have no leisure either to direct its progress, or repress its fury. Hopeless is the attempt to compress such a volatile and elastic element by brute force, or subdue its spirit by military menaces. While the disease prevails, the symptoma will show themselves. Men, indeed, are not to be coerced and menaced out of their religious prepossessions and affections. Were they *base* enough, under the influence of fear, to betray the friends of their childhood, and apostatise from the faith of their forefathers, they are not *bold* enough to barter for personal security and civil immunities all those principles, with which in their minds is associated every thing that is lovely and of good report, every thing that enables them to bear the calamities of a precarious life resignedly, and opens to them a prospect of a more durable existence, *where the wicked cease from troubling, and the weary are at rest.* It is to commit the ant in battle with the elephant, to array human penalties and human terrors, still more petty prohibitions and vexatious disqualifications, against those mighty passions with which religion fortifies the soul. They reply to all the thunders of your edicts, and the brandishing of your arms, *We fear not man who killeth the body, and after that hath no more that he can do; but we fear Him who can destroy both body and soul in hell. We say unto you, we fear him.* But there is no particular in which we do so much injustice to our brethren of the Romish communion, and eventually to ourselves, as by misrepresentation of their tenets and principles. I have already had occasion to say that we ought to begin the controversy by ascertaining accurately their tenets—but not from the statement

of their adversaries ; not from the musty records of ancient days ; but from their own acknowledged formularies of faith, and the avowed belief of living men.

It is alleged indeed that the Roman Catholic is unchanged ; but it is alleged in defiance of common sense, and actual observation. For what can be more changed or contrasted than the condition and influence of the Pope seven centuries ago, when an English monarch (unworthy indeed of the name) was doing homage to him on his knees for his kingdom ; and in our times, when a successor in the Papal chair was suing to our monarch for personal protection and the preservation of his patrimony. But if his influence and authority over the kings and people of Christendom were the same now as in the dark ages, such circumstances and contrasts could not arise. The authority of the Pope, like the authority of other men over their fellows, was an authority of opinion. Those opinions, on which his spiritual tyranny rested, are now gone both in Protestant and Catholic Europe, and they are gone for ever.

But if we do not succeed in showing the Roman Church to be formidable, we endeavor to make it odious. We charge on its members that they keep no faith with heretics, that they can dispense with the obligation of oaths ; nay, that their Pope, and even a simple priest, can forgive sins, unrepented sins—sins however heinous—and even grant indulgencies for future transgressions at a stipulated price. That these impious pretensions have been made, and even carried into practice in remote ages, is unquestionable ; but it is equally true that in all modern times they have been renounced by the public and authentic acts of the highest Catholic authorities ; and, what is more, by the uniform practice both of communities and individuals.

After attributing to them doctrines which they disavow, the next disingenuous artifice is to caricature those which they do maintain. In this spirit we call their invocation of saints, Idolatry ; their doctrine of transubstantiation and adoration of the host, Blasphemy. We call the head of their church Anti-Christ, the Man of Sin, and names of still deeper turpitude. And after thus ascribing to him the malignity of the Spirit of Evil, we invest him with some of the attributes of Omnipotency ; and ascribe to him the faculty of subverting the faith, and changing the religious opinions of the whole Catholic world, by the breath of his lips, and a turn of his pen. That men of education should fix on them such imputations, not only groundless but improbable, is more to be wondered at, than that those who follow them either through ignorance or interest, should very sedulously and seriously repeat them. For when all the several ideas of idolatry, blasphemy, perjury, and falsity are collected into one complex idea, and denominated Popery, no

wonder that the unread, unthinking populace should join in one universal cry against a religion *every where spoken against*, and should be ready to expel from society all who profess it, and all who claim for its professors a fair hearing and equal justice.

But of all the charges against the Roman Catholics, that which is most obnoxious, is, that they yield a *divided* allegiance, at all times, and that on particular emergencies the portion of obedience, due to their temporal monarchs, may be dispensed with by their spiritual sovereign!

The Roman Catholics do indeed yield a divided allegiance. So do Protestants yield a divided allegiance to their temporal monarchs. *They render to Cæsar the things that are Cæsar's, and to God the things that are God's.* Both Romanists and Protestants, if they are conscientious, *fear God and honour the King*; but whenever these claims are conflicting, both one and the other think it their duty to obey God rather than man. The limits of those two duties are defined in the same words, and by the same authority to each; with this difference, that the Romanists concede the interpretation of the scriptural precept to the Pope and the Church; we reserve that as the privilege of private judgment. As to the power of dispensing with the duty of loyalty, it is one of those obsolete and antiquated pretensions which if not formally abrogated, has long fallen into desuetude; but which nevertheless we rake up from the oblivious dust under which it lay, and insist on its actual validity, in defiance of all their protestations, and all our own experience. Thus have *their fathers eaten sour grapes, and the children's teeth are set on edge.* We visit the sins of the fathers upon the children unto many generations. We see before our eyes that the Roman Catholics, who live among us, are as devout, virtuous, loyal, and mindful of their oaths and moral duties, as men of other sects, and yet we persist in calling them in the mass hypocritical, idolatrous, perjured, and incapable of private or public patriotism. But surely men who bring this *railing accusation against the brethren*, without any examination into its truth, who take for proved every disgraceful imputation, however improbable and unnatural, incur a very serious responsibility, not to say a very heavy guilt.

What should we say of those venerable judges of the land, if they decided on the property, characters and lives of their fellow-creatures on common rumor and hearsay evidence, or even on the solemn testimony of *one party alone*? Would their high office and their higher characters screen them from the reproach of good men, and the compunctious visitings of their own consciences? Yet of such iniquity, but in a much more momentous case, are all those guilty who undertake to pronounce on the fates and fortunes of a great proportion of the empire, and on the happiness and peace of

the whole, without hearing with patience and weighing with impartiality the arguments and evidence of the party accused. To condemn unheard, is to condemn iniquitously, although the sentence may be merited.

But a candid investigation of the principles of the Roman Catholics would discover, amidst the fundamental and essential varieties of our common faith, many superfluous and unprofitable doctrines; some indeed superstitious and unscriptural, but none, I will venture to assert, that disqualify them for acting their part in society, honorably and discreetly, whether in a public or private situation. Their errors it is our duty to combat, not by compulsion or menace, but by bringing to bear on them the improved philosophy of the age, and more especially the clear unclouded blaze of the Gospel. But to ensure a triumph over their errors, or to deserve it, we must persuade them by the arguments of kindness, and confound them by the unanswerable syllogisms of charity. Prove to them the evangelical tenor of your faith, by the purity of your principles, and the liberality of your conduct. Men who cannot reason, can feel; and if they cannot analyse your dialectics, they will love and imitate your practice.

Exact uniformity of faith, among all diversities of understandings, on matters so abstruse and comprehensive as theology, is not attainable. It is folly to expect it. But there is another and *more excellent way*, of which an inspired Apostle speaks, *a bond of perfectness*, capable, and at some future day, *destined* to unite the several members of the Christian Church in one concordant and harmonious body. This bond is Charity. This was the remedy St. Paul prescribed, as fit to compose the distractions of the infant church. Even he did not undertake to define his doctrines with such luminous precision, and self-evident simplicity, as to preclude diversity of conception, and erroneousness of interpretation, to faculties various and weak as ours. He, therefore, advised his spiritual children to think humbly of that knowledge which at best is imperfect, and which *will be done away*; and even to postpone the higher graces of faith and hope, to that last, best fruit of the Spirit, Charity. Be it the office of the ministers and members of our venerable establishment, to lead the van of that holy and heavenly host, on whose banner is read, *On earth peace, good-will to man, the weapons of whose warfare are not carnal but spiritual*. We have nothing to fear from the rivalry of any religious sect in these kingdoms. The ampleness of our endowments; the high rank and higher character of our dignitaries; the piety and learning of our ministers and people leave us nothing to apprehend from human competition. But let us not forget that all these external advantages avail us nothing, except we have *the God of Jacob for our*

defender, and our trust be in the Lord our God. In every conflict, religious ones more especially, *the race is not to the swift, nor the battle to the strong, but to him who contends in the genuine armor of God, having on the breast-plate of righteousness, and his feet shod with the preparation of the gospel of peace.*

Vain is our wealth, vain our learning, vainer still our rank and influence in the state, if these gifts are not tempered and sanctified by humility, moderation, and charity. Exterior distinctions in every religious establishment, if not held in subordination to the Almighty's will, and used in subservience to His glory, are worse than vain. They corrupt and they destroy. But why this severity of reproach? Why this bitterness of recrimination among Christian sects? Why this haste to pass judgment and do execution on our fellows, and anticipate the doom of Him who judgeth righteous judgment? While we are tearing and trampling each other, do we forget that the day is fast approaching, when *every man's work shall be made manifest, and the fire shall try it, and every man shall receive his own reward according to his own labor?* Hushed, then, will be the voice of the disputant, and the clamor of the factious, and the shout of the triumphant, and the lament of the vanquished. *Their* voices only will be heard breathing the accents of praise, and hymning the gratulations of mutual joy (to whatever religious community they belonged), who have laid their work on the *one sure foundation of Jesus Christ*; and who have taken heed to build thereupon not wood or hay or stubble, the rank growth of factious zeal, and uncharitable knowlege, which the fire shall in a moment consume; but on that foundation of their faith have laid gold and silver and precious stones, the solid, brilliant, imperishable productions of piety and charity; for they shall pass through the furnace with undiminished substance and unsullied brightness, and shall shine as stars for ever in the presence of the Lord, and the firmament of his glory.



RESOLUTIONS,

Relative to the State of the Nation, submitted to the consideration of Parliament by Mr. Hume, Thursday, May 4th, 1826.

1. THAT the assertions made to this House by the Chancellor of the Exchequer on the 3d of March, 1823, that a reduction of 24,766,520*l.* in the capital of the Public Debt had been effected by the operation of the Sinking Fund, from the termination of the war up to the 5th of January, 1823; and again on the 13th of March, 1826, that a further reduction of the Public Debt of 18,401,000*l.* had been effected between the 5th of January, 1823, and the 5th of January, 1826, making together a reduction of 43,167,520*l.* in the capital of the Public Debt since the termination of the war, are not consistent with the accounts before the House, as appears by the facts contained in the following resolution:—

PUBLIC DEBT.

2. That it appears, by the annual Finance Accounts, the Public Debt of the United Kingdom, funded and unfunded, on the 5th of January, 1817 (after the union of the English and Irish Exchequers), was 846,765,078*l.*; ¹ and that on the 5th of January, 1826, the amount of funded and unfunded debt of the United Kingdom was 819,487,298*l.*; ² showing a decrease, in the nominal amount of capital, of 27,327,780*l.*

3. That the diminution of 27,327,780*l.* in the aggregate amount of the capital of the Public Debt has been effected by a reduction of 18,072,023*l.* in the funded debt, and in a diminution of the unfunded debt of 9,255,757*l.*

¹ Vide Resolutions 14 and 16 of Parliamentary Paper, No. 557, of 1822.

² Vide Parliamentary Paper, No. 91, of 1826.

4. That of the 18,072,023*l.* of capitals of funded debt reduced in the nine years, 1817-25, there has been cancelled capitals to the amount of 6,934,285*l.*,¹ leaving only 11,137,738*l.* of funded, and 9,255,757*l.* of unfunded debt, or an aggregate reduction of capital in the nine years of only 20,393,495*l.*, effected by means of surplus revenue.

5. That the charge of the funded debt, as it stood on the 5th of January, 1817, was—

	£
For Permanent Annuities . . .	27,709,505
Long Annuities . . .	1,657,904
Life ditto, per 48 Geo. III. . .	225,255
Management . . .	278,189
Total . . .	29,870,853 ²

And on the 5th of January, 1826 :—

For Permanent Annuities £25,507,102	
Long Annuities . . .	1,333,257
Life ditto, per 48 Geo. III. . .	562,669
Management . . .	276,818
Total . . .	27,679,856 ³

Showing a decrease in the nine years of annual charge on the Funded Debt of 2,190,997

And that the charge of 50,564,787*l.* of Unfunded Debt on the 5th of January, 1817, estimating the English Bills at 4, and the Irish Bills at 5 per cent. per annum, was 2,051,242 ⁴

And on the 5th of January, 1826, on 41,309,030*l.*, at 2*d.* per cent. per day, or 3*l.* 0*s.* 10*d.* per cent. per annum 1,256,482

Showing a reduction of charge for Unfunded Debt of 794,760

And total reduction of annual charge for Funded and Unfunded Debt of 2,985,757

6. That out of the 2,985,757*l.*, the total reduction of annual charge, as shown by the preceding resolution, the following re-

¹ Vide Appendix F.

² Vide Resolution 16, Parliamentary Paper, No. 557, of 1824.

³ Vide fol. 155, Finance Accounts, 1825-6.

⁴ Vide Appendix G.

duction has taken place without any reference to the surplus revenue, or proceeds of loans; viz.—

In 1819, Imperial Annuities expired	£ 230,000
— Exchequer ditto ditto	18,750
— Long Annuities cancelled for Life Annuities	17,490
In 1822, by conversion of 5 per Cents. into 4 per Cents.	1,207,137
In 1824, ditto of 4 per Cents. into 3½ do.	381,035
Charges of management decreased	8,495

1,862,907

And dividends on capitals cancelled	227,529
And for ditto on 3,807,113½. of 4 per Cents. dissentients, discharged from the funded and added to the unfunded	152,280

Total reduction of charge on the funded debt

2,242,716

7. That the total amount of the revenue of the United Kingdom, received in the nine years, 1817-1825 (and exclusive of all sums received for loans or dead weight), was 531,266,535½.,² and the total amount of expenditure, including every charge for interest of debt, and civil and military establishments in the same period (exclusive only of payments to the commissioners of the sinking fund), was 508,309,614½.,³ showing a clear surplus of revenue of 22,956,922½.,⁴ which, with the sums paid by Austria and the East India Company, make an amount of money of 25,965,539½. disposable for the redemption of debt, exclusive of 6,917,569½.,⁵ received from the Bank of England in the three years, 1822-25, in part payment of an annuity of 585,740½. for 45 years.

8. That the balance of all monies in the Exchequer on the 5th of January, 1817, amounted to

£13,013,040

And, on the 5th of January, 1826, amounted to

5,305,638⁶

Showing a decrease of

£7,807,402

which has also been applicable to the reduction of the public debt, in addition to the surplus of revenue, as stated in the preceding resolution.

9. That although there has been in these nine years an excess

¹ Vide Resolutions, No. 4.

² Vide col. 1. of Appendix C.

³ Vide col. 1. of Appendix C.

⁴ Vide col. 5. of Appendix C.

⁵ Vide Resolutions 18 and 19.

⁶ Vide Parliamentary Paper, No. 300, 1826.

of revenue of 25,965,539*l.*,¹ there has been charged, during the same period, in the annual finance accounts, the sum of no less than 124,779,340*l.*,² purporting to have been applied to the reduction of the debt.

10. That during the nine years, 1817-25, loans have been raised and Exchequer-bills funded to the amount of 98,760,920*l.*,³ for which there has been capitals created of various denominations, to the amount of 126,536,037*l.*, and an annual charge of 4,074,022*l.*; in addition to which there has been added 7,122,964*l.* of capital by the conversion of 149,449,290*l.* of 5 per Cents. into 156,921,713*l.* of 4 per Cents.; also 2,365,655*l.* of 3 per Cents., by compromise of a disputed account with the East India Company, at an annual charge of 70,970*l.*; and 322,961*l.*, by conversion of 968,885*l.* of 5 per Cents. of 1797 and 1802 into 1,291,847*l.* of 3 per Cents., and 47,767*l.* of 4 per Cents. dissentients since assented to, making an aggregate increase of capital in the nine years of 136,395,381*l.*, and an aggregate increase of

charge of	£4,146,664
To which add Life Annuities by 48 Geo. III.	
increased	323,114

11. That out of the 124,779,340*l.* charged in the annual finance accounts as applied to the reduction of the national debt, the commissioners of the sinking fund acknowledge to have received the sum of only 116,022,142*l.*, which they have applied as follows, viz.

For purchase of Stock in Great Britain ¹	£101,783,712
Ditto ditto in Ireland ²	4,511,045
Ditto ditto East India Company	839,243
Paid for Life Annuities (48 Geo. III.)	3,650,693
For payment of the dissentients' 5 per Cents.	2,796,800
Ditto ditto 4 per Cents.	2,390,000
Interest on ditto	95,446

Total sum accounted for by commissioners £116,006,999⁴

12. That with the sums (¹ and ² in the preceding resolution) applied to the purchase of stock, there has been cancelled in Great Britain various capitals to the amount of 144,480,680*l.* The dividends on the same being 4,465,073*l.*, and in addition to the above there has also been cancelled of 4 per Cent. dissentients by

Exchequer-bills	£3,807,013
-----------------	------------

And various capitals amounting to 6,934,285

Making a total of	£10,741,298 of capital. can-
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¹ Vide col. 5. Appendix C.

² Vide col. 1. Appendix D.

³ Vide Appendix E.

⁴ Vide Appendix D.

celled; the dividends on which capitals amount to 379,809*l.*, showing an aggregate diminution of capital of 155,221,978*l.*, and an aggregate diminution of charge of 4,844,882*l.*

13. That in addition to the sum of 4,844,882*l.* of annual charge of debt reduced as per the preceding resolution, there has been a further reduction in the nine years of 1,862,907*l.*, as per resolution No. 6, making a total diminution in the annual charge of 6,707,789*l.*

14. That if the increase of annual charge of 4,146,664*l.* as per 10th resolution, and 323,114*l.*, the increase of life annuities, be deducted from 6,707,789*l.* the decrease, as specified in the preceding resolution, it leaves a net diminution of annual charge of 2,238,011*l.* on the funded debt, instead of 2,190,997*l.*, as exhibited in the 5th resolution, showing a difference of 47,014*l.* per annum to be accounted for.

15. That although by resolution No. 7, there appears to have been in the nine years, 1817-25, a disposable surplus revenue of 25,965,539*l.* (exclusive of 6,917,569*l.*,¹ received from the Bank for annuity, in the three years 1822-5,) there has only been a reduction in the capital of the funded and unfunded debt, during the same period, of 20,393,495*l.*;² whilst the finance accounts, as per resolution 5, do not show any decrease of annual charge, that would not have been effected by annuities fallen in, cancels, conversions, and diminution of interest in unfunded debt, as per resolution 6, without reference to the surplus revenue.

16. That the increase of life annuities, over and above the amount of perpetual annuities cancelled, will account for about 130,000*l.* of annual charge; but there is an obvious loss of 186,703*l.* of annual charge, by redeeming stock on less advantageous terms than creating it; as, for example, 4,074,022*l.* of annual charge was created for 126,536,037*l.* of capital, whilst the proportion of annual charge redeemed by the same amount of capital was only 3,887,319*l.*

17. That the loss arising from the complicated system of the sinking fund and the public accounts, is further proved by the statement, Appendixes G. and H., which exhibits the result that would have taken place if the surplus revenue, and other resources (exclusive of loans), had been applied, year by year, to the purchase of stock, at the average rates of the respective years; and if further proof is wanting of the ruinous system of finance, so fatally persisted in of supporting a sinking fund by loans, the following result of the last loan from the Bank in 1823, avowedly for that purpose, will furnish the most indisputable evidence.

¹ Vide Resolutions 18 and 19. ² Vide Resolution 4.

18. That there has been paid into the Exchequer by the Trustees of Naval and Military Pensions, between the 5th of April, 1823, and the 1st of January, 1826, the sum of 6,917,569*l.*,¹ part payment of a loan from the Bank of England, for which an annuity was granted for 45 years, equivalent to an annuity in perpetuity, at the rate of interest of 4*l.* 2*s.* 1*d.* per cent. per annum, or 73*l.* money for every 100*l.* of 3 per Cent. stock; whilst the Commissioners of the Sinking Fund, during the same period, have expended a corresponding sum in the purchase of 3 per Cent. stock, at an average of 88*l.* for every 100*l.* of such stock, being at the rate of interest of only 3*l.* 8*s.* 2*d.* per cent.

19. That by the said loan the public debt was increased in 1823, equivalent to the amount of 9,476,110*l.* of 3 per Cent. stock, and the annual charge of 284,283*l.* in perpetuity; whilst the Commissioners of the Sinking Fund applied a corresponding sum to the purchase of 7,808,188*l.* of 3 per Cent. stock, at the rate of 88*l.* of money for 100*l.* stock, cancelling an annuity in perpetuity of 225,745*l.*, by which transaction there has been actual loss, or addition to the debt of the country, of 1,617,922*l.* of 3 per cent. capital, and 58,539*l.* of annuity in perpetuity.

20. That although the complexity of the finance accounts, and the loss to the nation by such a system is clearly manifest by the preceding resolutions; yet the magnitude of the evil inflicted on the country by the ruinous and absurd sinking fund system, still persevered in by His Majesty's ministers, can only be known by an attentive examination of the series of finance resolutions² submitted to the consideration of this House in 1822, and by the result of its operations, as exhibited in the five following Resolutions.

21. That by a return³ made to this House, the total net revenue of Great Britain (exclusive of loans) for 24 years, between the 10th day of October, 1792, and the 5th day of January, 1817, appears to have amounted to 1,126,640,417*l.*, and the total expenditure (exclusive of all sums paid to the Commissioners for the reduction of the National Debt) during the same period, appears to have amounted to 1,533,638,631*l.*, being an excess of expenditure over revenue of 406,988,214*l.*; but as three quarters of a year, from the 5th day of January to the 10th day of October, 1799, appears to have been stated twice, three-fourths of the excess of expenditure in 1799 require to be deducted, making the actual deficiency of revenue to be about 393,000,000*l.*

¹ Vide Parliamentary Paper, No. 171, of 1823.

² Vide Parliamentary Paper, No. 557, of 1822.

³ Vide Parliamentary Paper, No. 234, of 1824.

22. That although the actual revenue during the 24 years, from 1793 to 1816 inclusive, fell short of the expenditure only about 393,000,000*l.*, it appears, by a series of resolutions submitted to the consideration of this House on the 25th of July, 1822, that an amount of no less than 618,163,857*l.* of money was raised by loans and Exchequer-bills, during the said period of 24 years, viz. from 1793 to 1816 inclusive.

22*. That by the sixth of the before-mentioned series of resolutions, it appears, that whilst 618,163,857*l.* of money was raised by loans and Exchequer-bills, between the 10th day of October, 1792, and the 5th day of January, 1817, that 188,522,348*l.* only was paid to the Commissioners for the reduction of the National Debt, leaving the enormous sum of 36,641,517*l.* totally unaccounted for.

23. That by another account,¹ presented to this House in 1822, it appears, that in the year 1815, annuities of different denominations, all in perpetuity, were created to the amount of 3,083,621*l.*, equal to 102,787,334*l.* of 3 per cent. stock, for which only 53,819,786*l.* money was received, being at the rate of 100*l.* of 3 per cent. capital created for every 52*l.* 7*s.* 2*d.* of money received.

24. That by another account,² presented to this House in 1825, it appears, that between the 5th of January, 1824, and 5th of January, 1825, the Commissioners of the Sinking Fund have purchased 3,627,225*l.* of 3 per cent. stock, for which they have paid 3,416,031*l.*, being at the rate of 94*l.* 3*s.* 5*d.* for every 100*l.* of such stock, at a loss of 41*l.* 16*s.* 3*d.* of money, for every 100*l.* stock re-purchased, as compared with 1815.

24 *a.* That the 53,819,785*l.* of money, for which the 3,083,620*l.* of annuities were granted in 1815, as stated in the 23rd resolution, was paper-money of a mere nominal value only, whilst the 3,416,031*l.* of money paid for the 3,627,225*l.* of 3 per Cents. each, in 1824, as stated in the preceding resolution, was money of a fixed and determinate value, convertible into gold, on demand, at the rate of 3*l.* 17*s.* 10½*d.* per oz.

24 *b.* That at the period of creating the 3,083,620*l.* of annuities for which the 53,819,785*l.* of money was received, as stated in the preceding resolution, the ounce of gold was not to be obtained for less than 5*l.* 7*s.* of such money; consequently the total sum received was only equal to 10,597,229 oz. of gold, the 102,787,334*l.* of 3 per Cent. stock created in that year, was therefore created at the rate of 100*l.* of such stock for a trifle less than 10 oz. of gold; whilst at the rate at which the 3,627,225*l.*

¹ Vide col. 8. of Parliamentary Paper, No. 145, of 1822.

² Parliamentary Paper, No. 145, of 1822.

³ Parliamentary Paper, No. 17, of 1825.

of 3 per Cent stock was purchased by the commissioners of the sinking fund in the year 1824, as stated in this resolution, it will require 26,525,764 oz. of gold to purchase the same amount of stock as was created in 1815, for only 10,597,729 oz.

24 c. That as the ounce of gold will now obtain as much (and in some cases double the quantity) of all the products of industry and labor, as it would when 5*l*. 7*s*. of nominal money was demanded for it in 1815, as all taxation in its ultimate result falls exclusively on the products of industry and labor; the bill of 1822, which enacts "that five millions per annum shall be applied towards the reduction of the national debt, resolves itself into a tax on the products of industry and labor equal to a quantity of 1,290,323 oz. of gold per annum, to effect a forced purchase of the same amount of 3 per Cent. stock, for which only 507,000 oz. were received in 1815, being at the enormous difference in value of 155 per cent.

24 d. That by a return made to this House, during the session of Parliament, 1822, (Paper, No. 252.) it appears, that the total number of persons amongst whom the annuities, amounting to 7,091,503*l*. due on the stock denominated the Navy 5 per Cent. stock, was divided, amounted to 94,181, of whom 45,988 received less than 20*l*. per annum, and 34,472 others, less than 100*l*. per annum.

24 e. That the reduction of 1,211,460*l*. per annum, from the holders of Navy 5 per Cent. stock, instead of having diminished the pressure of the burthen of taxation, has virtually increased it, in so far as that reduction tended to confirm the act for purchasing 3 per Cent. stock, to the extent of five millions value per annum, and that as a consequence of making forced purchases to that extent, whilst money capital presses, seeking for secure and permanent investment, as is manifest from the enormous amount vested in loans, and other speculative adventures abroad,¹ the five millions per annum first collected in taxes, to enable the commissioners of the sinking fund to make their forced purchases of the 3 per Cent. stock, occasions five millions per annum,¹ to purchase only the same amount of stock, as 3,650,000*l*. would have purchased on an average of the year 1820, or as 3,350,000*l*. would have purchased in 1816, or as 2,950,000*l*. ought to purchase, according to the average rate at which stock was created for the 618,163,857*l*. of money, as stated in the 22nd resolution.

That from the foregoing resolution, it is obvious, that the 1,211,460*l*. per annum, taken from the 94,181 holders of 5 per Cent. stock in 1823, and the 374,220*l*. per annum taken from the 34,512 holders of 4 per Cent. stock in 1824, affords no relief

¹ Vide Appendix N.

in the burdens of taxation, but merely occasions a still greater amount of the taxes collected from the people, to be insidiously and unjustly placed in the hands of some few holders and jobbers of 3 per Cent. stock, and thereby sustaining a system of gambling, as objectionable for its meanness, as for the injury which it inflicts on the great body of the British people.

25. That no nation, or body corporate, in their collective capacity, can derive pecuniary benefit or advantage of any kind, by merely trading with themselves, and therefore the Sinking Fund system of Great Britain, established solely for the purpose of the nation trading in its own obligations, was founded in fallacy, and has been maintained by delusion.

26. That the Sinking Fund system is not only useless for any beneficial purpose to the state, but highly objectionable from the loss it occasions, and for its direct tendency to promote a system of speculation and gambling, altogether inconsistent with the well-being of the country, and therefore ought to be forthwith abolished.

27. That the state of our manufacturing, commercial, and agricultural relations, demand the most serious attention, as the evidence before the House proves a progressive diminution in the remuneration for labor in many of the staple articles of manufacture,¹ as well as for agricultural labor, in reference either to the means of subsistence at the present time, or in comparison with the remuneration for labor at former periods, and that although the quantity of the products of British labor annually exported progressively increases, yet their value is progressively decreasing.

28. That the annual average official value² of the quantity of products of British labor exported in the three years 1814-16 was 36,562,367*l.*, and their declared value 44,476,519*l.*, whilst, in the three years 1823-5, the annual average official value of the quantity exported was 45,880,927*l.*, and their declared value only 36,782,938*l.*; showing a depreciation in value, after allowing for the difference in the value of the money at the two periods, exceeding 25 per cent., and consequently showing an increased pressure of taxation in 1823-5, to that extent, if estimated in the production of British labor.

29. That although the Finance Committee of 1817 called the notice of the House to the low establishments of the year 1792, and recommended that as near an approximation as possible should be made to the scale of establishment and expense of that year,³ yet the taxes raised in the United Kingdom in 1825 exceeded

¹ Vide fol. 419, Parliamentary Paper, No. 51, of 1824.

² Vide fol. 36, Statistical Illustrations.

³ Vide fol. 30. 2nd Report of Finance Committee of 1817.

58,000,000*l.*, or treble the amount of 1792, and the expenses of the civil list, the naval and military establishments and civil government, exceeded 26,000,000*l.* (exclusive of the charge for the four times the debt), being amount of the expenditure of 1792.

30. That a reference to the great amount of the Civil List, to the number of pensioners, sinecures, and highly paid placemen, to the unnecessary number and expense of the army, navy, ordnance, and civil establishments, will sufficiently prove that due regard has not been paid to the recommendations of that committee; it is, therefore, imperative on this House to demand an immediate reduction of taxation, in conformity with that recommendation, as the best means of relieving the country from its present embarrassments.

31. That the repeated assertions made in this House, that there has been a diminution of taxation to the extent of 27,000,000*l.* since the termination of the war, are delusive and fallacious, whether as applied to the amount of money actually collected from the people, or the value of the currency in which the taxes were collected, as will appear by the facts stated in the following resolutions.

32. That the money amount of taxes raised in Great Britain on the average of the three years, 1813-15, the largest receipt of any period during the war, was 69,010,227*l.*¹ per annum; but as that amount was in paper money of nominal value, and not exchangeable into gold, on an average of the three years, at a less rate than 5*l.*² per oz. (the maximum having been 5*l.* 11*s.* per oz.) the average annual taxation, if valued in gold, the established standard of value, was equal only to 13,802,045 oz. of gold, or to 53,741,714*l.* of money, exchangeable into gold at 77*s.* 10½*d.* per oz.; while the annual average amount of taxation in the last three years, 1823-5, was 52,430,765*l.* convertible into gold at 77*s.* 10½*d.* per oz., showing a diminution of only 1,310,949*l.* per annum, of money of standard value, instead of 27,000,000*l.*

33. And if a comparison be made of the amounts of taxation at these two periods in labor, or the products of labor, the pressure in 1823-5 will prove to be considerably greater than in 1813-15, as the annual money amount of taxes, on an average of the three years 1813-15, was only equal to 15,853,926 quarters of wheat, at 80*s.* 9*d.*³ per quarter, the average price of that period; whilst the money amount of taxes, on an average of the three years 1823-5, was equal to 17,434,546 quarters of wheat, at 60*s.* 2*d.* per quarter, the average price of that period.

¹ Parliamentary Paper, No. 88, of 1826.

² Vide Appendix C. Commons Reprint of Lord's Report, 1819.

³ Parliamentary Paper, No. 227, of 1825.

34. That if the money amount of taxation, on an average of the three last years 1823-5,¹ be compared with that of the three years 1817-19, the money amount is greater in 1823-5 by 668,426*l.* per annum; and, if valued in gold or the products of labor, the pressure of taxation on the country, in the years 1823-5, will very considerably exceed the pressure either in 1813-15, or in 1817-19.

35. That the continued pressure of taxation has greatly increased the privations and distress of the productive, industrious, and laboring classes of the community, as is manifest from the stationary, if not diminished, consumption of the following taxable articles of primary necessity, and the decreasing consumption of many articles of enjoyment and luxury, notwithstanding a great increase in the number of consumers.

36. That in taking a review of the annual consumption of alum for the last 40 years in England and Wales, it appears that the quantity annually consumed has actually decreased, notwithstanding an increase in the number of consumers of about 40 per cent.²

37. That, on the average of the ten years 1785-1794, the number of bushels of malt annually consumed was 25,751,775; and on the average of the ten years 1815-1824, the annual consumption was only 25,246,940 bushels, showing an actual decrease exceeding 500,000 bushels per annum; whilst, if the consumption of malt had increased in proportion to the increase of population, the consumption would have exceeded 35,000,000 of bushels per annum.

38. That if a comparison of the consumption of malt in the year 1825 (a year of great excitement) is made with some other single years, during the last forty years, a greater consumption appears in the years 1792-7 and 9, 1803 and 1821, than in 1825; but a fair comparison can only be made on an average of several years.

39. That although it is generally believed that the stationary consumption of fermented or malt liquor arises from an increased consumption of distilled spirits, yet it appears that the average consumption in Great Britain of all kinds of spirits, British and foreign, in the five years 1806-1810, was 13,059,522 gallons;³ and in the five years 1820-4, was 12,110,281 gallons; showing an actual decrease in the 18 years of 949,241 gallons per annum, notwithstanding an increase in the population during that period of about 30 per cent.

¹ Parliamentary Paper, No. 88, of 1826.

² Vid. fol. 61, Statistical Illustrations.

³ Vide Appendix K.

40. That the quantity of foreign wines¹ annually charged with excise duty in Great Britain, on the average of the three years 1801-3, was 7,661,270 gallons, and the average annual quantity charged in the four years 1819-1822 was 5,223,326 gallons; showing an actual diminution of consumption of 2,437,944 gallons yearly, or about 30 per cent., notwithstanding the increased number of consumers during that period, and that there was also at least 10 per cent. of Cape wines, of very inferior quality, charged with duty in the aggregate quantity in the last period.

41. That whilst the rates of duty levied on foreign wines were, in the years 1819-22, 30 per cent. higher than in the years 1801-3, there was, in the same period, a reduction in the quantity that paid the excise duties of about 30 per cent., and the amount of revenue received was less in the period of high duties.

42. That the quantity of sugar² consumed in Great Britain, on an annual average of the nine years 1808-16, was (after deducting 1,600,000 cwt. used in distillation in the six years 1809-14) 2,406,809 cwt., and in the last nine years 1817-25, on an annual average, 2,593,540 cwt.; showing an annual increase of only 196,731 cwt., being about $7\frac{1}{2}$ per cent., whilst the population has increased during that period at the rate of 17 per cent.

43. That the quantity of tea consumed in Great Britain, on an annual average of the four years 1800-3, was 21,023,155lbs.; and the quantity, on an annual average of the four years 1821-4, was 23,443,479lbs.; showing an increase in consumption of scarcely 12 per cent., whilst the number of consumers have increased in that time about 35 per cent.

44. That the annual average consumption of tobacco in Great Britain, in the five years 1800-4, was 11,855,351lbs., and in the five years 1820-4, was 13,022,851lbs., showing an annual increase of consumption at the rate of 10 per cent. in the latter period; but, if the annual average consumption of 14,155,166lbs. in the five years 1810-14 is taken, it will appear that since that period there has been an actual decrease of consumption at the rate of 8 per cent. per annum, notwithstanding an increase of population of 17 per cent.

45. That in addition to the progressively increasing privations amongst the great body of the people, as manifested by the preceding resolutions, pauperism and crime have progressively increased to an alarming extent; and, notwithstanding the progressive diminution in the scale of allowance to paupers, the aggregate amount of the parochial assessments expended for their relief

¹ Vide Parliamentary Paper, 239 and 234, of 1823, or fol. 59 of Statistical Illustrations.

² Vide fol. 56 and 57 of Statistical Illustrations.

since 1785 has trebled; and although the money amount has decreased in the three years ending Easter 1824, compared with the three years 1812-14, and the three years 1817-19, yet pauperism, whether considered in relation to its degrading and demoralizing effects, or in relation to the pressure of the assessments, estimated either by the amount in money (if the difference in the value of the currency at the respective periods be taken into account) or the products of labor, has considerably increased since 1812 or 1817, the years of the largest money expenditure.

46. That the progressive increase of crime is even more alarming than the increase of pauperism, as there were 4,692 persons committed to gaols in England and Wales for trial, charged with criminal offences on the annual average of the five years 1805-9, whilst the numbers committed on the average of the years 1820-4 were 13,005, showing an increase at the rate of 178 per cent; and, if 14,437, the number committed in 1825, be compared with 4,605, the number committed in 1805, the increase will exceed 200 per cent. in 21 years, exclusive of 22,106 committed under summary process in 1823.

46*. That there appears to be an immutable tendency in poverty and crime to accelerate its own increase, as, by the last return of population presented to this House in the session of 1822, the number of children under ten years of age proves to be in a greater ratio in all those counties, in which the ratio of the degradation of pauperism is the greatest; ¹ and as a consequent of such degradation, the number of committals for crime are also in a greater ratio in all those counties.

47. That whether the state of the nation be regarded in reference to the unparalleled extent of taxation—its application—the delusive and ruinous consequences of the Sinking Fund—the extension and complication of the accounts—the present situation of our manufacturing and commercial relations, or the degraded and wretched condition of the great body of the people, each, and all evince the urgent necessity of an immediate investigation of the causes which have produced those existing evils, and the adoption of comprehensive and decisive measures, to avert the calamitous consequences that must otherwise ensue.

¹ See fol. 8 of the Statistical Illustrations of the British Empire, 8vo. ed.

END OF NO. LII.

